

and Rand Shoe Company and others, of St. Louis, Mo., for removal of tariff on hides—to the Committee on Ways and Means.

By Mr. MURPHY: Petition of ex-Soldiers and Sailors' Association, of St. James, Mo., favoring the bill to provide \$1 per day pension for Union soldiers and sailors of the civil war—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: Petitions of Bangor and East Stroudsburg (Pa.) Lodges, Nos. 1106 and 319, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. PAYNE: Petition of South Bristol (N. Y.) Grange, No. 1107, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Agra, Kans., for placing shoes on the free list—to the Committee on Ways and Means.

By Mr. SABATH: Petition of citizens of Cook County, Ill., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of D. E. Young and 35 others, of Newport, R. I., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. SLAYDEN: Paper to accompany bill for relief of heirs of Francisco Guilbeau—to the Committee on War Claims.

By Mr. SMITH of Texas: Petition of citizens of Texas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Kansas zinc smelters, for a tariff on zinc ore—to the Committee on Ways and Means.

Also, petition of the Florsheim Shoe Company and J. E. Rhoades & Sons, of New York City, for free hides—to the Committee on Ways and Means.

Also, petition of Common Council of the city of Troy, N. Y., against reduction of tariff on collars and cuffs—to the Committee on Ways and Means.

Also, petition of manufacturers and importers of furs, favoring Dingley schedule on furs—to the Committee on Ways and Means.

Also, petition of C. H. McLaughlin, favoring maintenance of the barley schedule—to the Committee on Ways and Means.

Also, petition of Lyon Brothers & Co., of Baltimore, against increase of tariff on matting—to the Committee on Ways and Means.

Also, petition of manufacturers of blueprint paper, against increase of duty on print paper—to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petitions of residents of Marble, Minturn, and Carbondale, Colo., against a tariff on tea and coffee—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of citizens of Columbus, Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of C. E. Trapp and many other citizens of Columbus, Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of S. L. Parsons and others, for removal of duty on raw and refined sugar—to the Committee on Ways and Means.

By Mr. WANGER: Petition of R. Scheetz and 27 other citizens of Norristown, Pa., against the imposition of any tax or duty upon coffee—to the Committee on Ways and Means.

Also, petitions of E. B. Frank, of Pennsburg, and 40 other residents of Montgomery County, Pa., for the removal of casein and lactarene from the free list and imposing a duty of 2½ cents per pound on unground casein or lactarene and 2½ cents per pound on ground casein or lactarene—to the Committee on Ways and Means.

By Mr. WEBB: Petition of Charles Gibson and other citizens of Mecklenburg County, N. C., for a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. C. Faires, of Kings Mountain, N. C., against a tariff on raw and refined sugar—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of citizens of Fond du Lac, Wis., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of citizens of Milwaukee, Wis., for an increased duty on post cards—to the Committee on Ways and Means.

Also, petition of citizens of the Sixth Congressional District of Wisconsin, against reduction of the tariff on barley—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of citizens of the Twenty-eighth Congressional District of Pennsylvania, against a duty on tea and coffee—to the Committee on Ways and Means.

SENATE.

FRIDAY, April 9, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

Mr. ROBERT L. OWEN, a Senator from the State of Oklahoma, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the house of delegates of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

HOUSE OF DELEGATES OF PORTO RICO,
San Juan, P. R., March 26, 1909.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to submit for the consideration of the Senate, through the Hon. TULIO LARRINAGA, Resident Commissioner for Porto Rico in Washington, the inclosed certificate on memorial to the Congress of the United States concerning the limitation of the jurisdiction of the federal court of Porto Rico, approved by the house of delegates of Porto Rico at its meeting held on February 24, 1909.

Very respectfully,

J. DE DIEGO,
Speaker, House of Delegates of Porto Rico.

A memorial to the Congress of the United States of America.

The house of delegates of Porto Rico, to the Congress of the United States, respectfully states:

That the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," enacted by the Congress and approved April 12, 1900, by section 34 thereof provided "that Porto Rico shall constitute a judicial district, to be called 'the district of Porto Rico,' and established the 'district court of the United States for Porto Rico,' with the ordinary jurisdiction of district and circuit courts of the United States.

That thereafter the Congress, in amending the aforesaid organic act, enacted another act, approved March 2, 1901, section 3 of which reads as follows:

"SEC. 3. That the jurisdiction of the district court of the United States for Porto Rico in civil cases shall, in addition to that conferred by the act of April 12, 1900, extend to and embrace controversies where the parties, or either of them, are citizens of the United States, or citizens or subjects of a foreign state or states, wherein the matter in dispute exceeds, exclusive of interests or costs, the sum or value of \$1,000."

The house of delegates of Porto Rico has knowledge of the investigation made by the Committee on Insular Affairs of the House of Representatives in the year 1901 into judicial conditions in Porto Rico, and the said house of delegates deems it to be a fact that the enlarged jurisdiction conferred upon the district court of the United States for Porto Rico, as provided by section 3 of the act of March 2, 1901, hereinabove transcribed, was based on false, slanderous, and selfish reports of several lawyers, without any representation in Porto Rico and without any knowledge of the laws and of the courts of the island, who had but recently arrived to this country, with the sole ambition of getting the greatest wealth in the shortest time. Such slanderous reports against the Porto Rican courts could have been inspired only by malignant personal interests, and, as against the said reports, the Congress may take notice of the just praises bestowed upon our courts by subsequent governors of Porto Rico in their messages to the legislative assembly of Porto Rico and in their reports to the President of the United States, which are solemn documents that revindicate the prestige of the insular courts.

The judges of Porto Rico have always been men of exemplary honesty and wisdom, and if cases of most serious judicial corruption have occurred in the courts of the island, no Porto Rican officer has figured therein.

The inhabitants of the island, natives and foreigners, had and do have absolute confidence in the insular courts, and there was not then nor is there now any reason to warrant the invasion by the district court of the United States for Porto Rico, under section 3 of the aforesaid act of March 2, 1901, of the legitimate jurisdiction of our courts in our territory.

Under the said act the rights of Porto Ricans to administer to themselves their own justice in their own country, in matters that do not belong to the federal jurisdiction, was snatched from them; a doubt was cast upon the right of Spaniards residing in Porto Rico, which was granted under Article XI of the treaty of peace with which the United States and Spain brought to an end the war of 1898. The aforesaid Article XI of that international compact placed the Spaniards residing in Porto Rico under the jurisdiction of the courts of this country in the same manner and on the same terms as native citizens of Porto Rico; but, under section 3 of the act of Congress of March 2, 1901, the jurisdiction of the district court of the United States for Porto Rico is extended to embrace all cases wherein the matter in dispute exceeds the sum of \$1,000, and where the parties, or either of them, are foreigners, without apparently differentiating foreigners from Spaniards, which latter have, in matters judicial, a special privilege established in circumstance of supreme consideration under the sovereign power of an inviolable treaty.

The house of delegates of Porto Rico, in objecting to the jurisdiction of the district court of the United States for Porto Rico, can not descend from its lofty moral place and political dignity to the low level of the charges preferred by certain attorneys, before the Committee on Insular Affairs of the House of Representatives, against the courts of Porto Rico; but, we will say now, after the thorough investigation made by the committee on legislation of the house of delegates, reproducing the words of an American lawyer before said committee, that the federal court has been a failure in Porto Rico.

Judges without the slightest knowledge of the language, the customs, and of the laws of Porto Rico have successively sat upon the bench

of the district court of the United States for this district; they did not learn, understand, or apply the laws of the country; the law relative to real property was unknown to said judges; they administered justice like the ancient pretors with the twelve tables, as if in our country there were not a modern system of codified law; they could not understand or appreciate, through the worst kind of oral translations, the testimony of Porto Rican witnesses in civil and criminal cases; and, with all this ignorance and confusion, such justice, administered as aforesaid by the district court of the United States for Porto Rico, was productive of the greatest surprises, the greatest contradictions, and the most insufferable tyranny in what is most delicate in civil relations.

The audacity of many litigants and the malice of some lawyers fed upon this evil of the judges and court. It was generally believed that, as the federal court was not subject to any law, any matter within or without the law could be successful in that court. Property owners and capitalists were involved in insidious litigations. The scandal as to certain relations of sexes and family was made a matter of exploitation, and under the auspices of such shadows weak-minded people live in fear of spoliation and dishonor.

Such grave causes would be sufficient to warrant the resolution of the house of delegates petitioning the Congress for the suppression of the district court of the United States for Porto Rico. Such resolution would not be against federal institutions, for, even supposing that Porto Rico is a Territory of the United States, there are territories without United States courts; but Porto Rico being nothing within American constitutional law, belonging to and not forming part of the United States, which has been held by the Supreme Court of the Republic, it is a judicial and political antinomy to have a court of the United States at a place which is not part of the United States.

But the house of delegates of Porto Rico, thoughtful and wise, does not ask for the suppression of the federal court. This could be interpreted, perhaps, as a protest against the sovereignty of the United States, and this house should declare and state in every one of its acts that, loving the sovereignty and the flag which the Porto Rican people should naturally have over themselves, it also loves the glory of the flag of the United States, and does not merge the vices of the system of government into the lofty and noble principles of the life and power of the Republic.

The house unanimously, representing the will of our people, simply and respectfully demands from the Congress to organize the district court of the United States for Porto Rico like any other district and circuit court of the United States in any other part of the United States.

We ask for the repeal of the act of March 2, 1901, and for the reestablishment of section 34 of the act of April 12, 1900, should it be that this autocratic and unjust act is to continue in force for some time longer oppressing the people of Porto Rico.

At any event, we petition the Congress to reorganize the district court of the United States for this island, with the jurisdiction of district and circuit courts of the United States, as provided under sections 563 and 629 of the Federal Statutes, with the limitation of saving the rights conferred upon Spaniards under Article XI of the treaty of Paris.

We so petition, trusting to the justice of Congress, being anxious to remedy a greatly felt necessity among the great and painful necessities of the Porto Rican people.

HOUSE OF DELEGATES OF PORTO RICO,
OFFICE OF THE SECRETARY,
March 26, 1909.

I hereby certify that the foregoing is a full, true, and correct copy of a memorial to the Congress of the United States, duly adopted at a meeting held on the 26th day of February, A. D. 1909.

JOSÉ MUÑOZ RIVERA,
Secretary House of Delegates of Porto Rico.

The VICE-PRESIDENT presented a memorial of the house of delegates of Porto Rico, which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

HOUSE OF DELEGATES OF PORTO RICO,
San Juan, P. R., March 26, 1909.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to submit for the consideration of the Senate, through the Hon. TULIO LARRINAGA, Resident Commissioner for Porto Rico in Washington, the inclosed certificate or memorial to the Congress of the United States soliciting tariff protection for coffee and praying that no measures will be passed which will injure the sugar and tobacco interests of Porto Rico, approved by the house of delegates of Porto Rico on March 3, 1909.

Very respectfully,

J. DE DIEGO,
Speaker House of Delegates of Porto Rico.

A memorial to the Congress of the United States of America.

The house of delegates of Porto Rico respectfully represents: That when the change of the sovereignty took place in Porto Rico in the year 1898 the production of coffee was the chief source of our insular wealth, as much on account of the extensive area of coffee under cultivation, as well as for the good quality and remunerative price which said product brought in the open market; and, further, on account of the vast quantity exported, and more particularly on account of the many persons and families among whom the profits derived therefrom were distributed.

The aforesaid change of sovereignty, though inevitable, brought about a radical change, a great disturbance in the financial relations of Porto Rico with the markets consuming its coffee, because, by the application to our island of the Dingley tariff, the markets of Spain, France, Germany, Italy, and Austria were instantly closed almost completely to this product of ours.

And, at the same time that these markets were suddenly closed, the price of coffee in the markets of the world suffered an enormous decline; and as if such causes by themselves were not sufficient to depress what at that time and for many years previous thereto had been our chief source of wealth, the sad financial condition of Porto Rico was further aggravated by the terrible disasters occasioned by the cyclone of August, 1899, from the dire consequences of which, notwithstanding the time since elapsed, the island has not as yet been able to recover.

However, Porto Rico did always entertain the hope that such grave evils would find greater or lesser compensation by the opening for

Porto Rican coffee of the natural market of its new metropolis, a hope which was further enhanced by the belief that Porto Rico, being already an integral part of the United States, the products of its soil would find in the territory and in the laws of the Nation—as it was only reasonable and just—that same protection and safeguard as provided for potatoes, rice, sugar cane, onions, citrus fruits, and other national products in the Dingley tariff, under which said products were and are still most decidedly protected against similar foreign products.

Almost ten years have passed since, by the application of the Dingley tariff to Porto Rico, the several European markets were closed to this island, which markets it had conquered through incessant and unabated efforts and, above everything else, through the undeniable superiority of its coffee in a noble and reasonable competition; and though since that time Porto Rico has been unremitting in its exertions to open the market of the United States, which is to-day the natural market for its products, yet it has not obtained anything up to this time, because foreign products, generally inferior in quality to the Porto Rican grain, offer strenuous competition under more advantageous conditions.

When the idea of revising the tariff became a final conclusion, the people of Porto Rico thought, and continue to think, that the hour of compensation had at last arrived, and that within the doctrine of protection for domestic products, which had always been the life and the financial development of the Nation, the representatives thereof would find it easy and logical to provide a duty on foreign coffees entering the markets of the United States; because, aside from the fact that such action would have a precedent, since up to the year 1870 there was a duty on coffee of 5 cents per pound, the reestablishment of such a duty would be in accord with the just demands for protection for coffee from Hawaii and Porto Rico, to-day integral parts of the American Union.

And, notwithstanding the facts hereinabove set forth, only trustworthy news of opposition are received in this island against its just aspirations, which are entirely in accord with the principles that at all times have regulated the financial policy of the American people, and further coupled therewith there are also rumors of a possible and considerable reduction of the duties which are to-day imposed upon foreign sugars when entering the markets of the United States.

If that rumor, which up to the present time has only been given as a mere possibility, should attain a place in a bill and gain such a foothold as to be interesting to the heart and sentiments of the Representatives in Congress, rather than to their intelligence, then Porto Rico would soon see a decline in its sugar wealth, as it has seen a decline, to the point of agony, in the production of coffee. And the United States could surely feel proud for having raised to an enviable height the prosperity of foreign peoples, but they would have consented to ruin and misery devastating an integral part of the national territory.

No; Porto Rico can not believe that such is the destiny which is reserved for it within the bosom of the North American Republic. And because it can not so think, because it can not accept as possible that the Congress of the United States, on beginning the work of revision of the tariff, forgetting the principles of protection on which their financial acts were always inspired, should sacrifice the interests of Porto Rico (which are to-day the interests of the American Nation) upon the altar of the altruist desire of benefiting foreign interests; therefore the house of delegates of Porto Rico does not hesitate in raising its voice to the National Congress in these supreme moments, sincerely stating its financial troubles and reclaiming the adoption of the proper remedies.

The house of delegates of Porto Rico appears before the Congress of the United States with the demand that on revising the customs tariff provision be made therein for the imposition of a duty of 5 cents per pound on foreign coffee upon its entrance into the American market; and that, as regards sugar and tobacco, such duties as are to-day imposed and collected under the present tariff be continued in force, as any other measure contrary to this would bring with it the disappearance of the sugar and tobacco wealth of our island.

And now, with abiding faith in the Almighty and placing our confidence on the history and the lofty spirit of justice of the American people, the house of delegates of Porto Rico trusts, confidently and calmly, that the resolutions of the Congress will not disappoint the legitimate aspirations of the Porto Rican people.

HOUSE OF DELEGATES OF PORTO RICO,
OFFICE OF THE SECRETARY,
March 26, 1909.

I hereby certify that the foregoing is a full, true, and correct copy of a memorial to the Congress of the United States duly adopted by the said house of delegates at a meeting held the 3d day of March, A. D. 1909.

JOSÉ MUÑOZ RIVERA,
Secretary of the House of Delegates of Porto Rico.

Mr. BULKELEY. I present a resolution of the general assembly of the State of Connecticut regarding an inheritance tax, which I ask to be printed in the RECORD without reading, and referred to the Committee on Finance.

Mr. KEAN. I should like to hear it read.

The resolution was read and referred to the Committee on Finance, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
General Assembly, January Session, A. D. 1909.
Senate joint resolution 130.

Resolution concerning reservation of inheritance tax for state revenue.

Whereas the several States are now taxing inheritances with marked success, and need all the revenue that can properly be drawn from this source; and

Whereas the Federal Government can readily raise additional revenue, when required, from other sources: Therefore be it

Resolved by this assembly:

First. That the taxation of inheritance should be reserved to the several States as a source of revenue for their exclusive use and benefit.

Second. That copies of this resolution be forwarded to the Senators and Representatives representing this State in the Congress of the

United States, and that they hereby are respectfully requested to support a properly drawn joint resolution when proposed for adoption by the two Houses of the Congress declaring it to be the policy of the Federal Government to refrain from the taxation of inheritances for federal purposes, and to reserve this source of revenue for the exclusive use and benefit of the several States.

Passed senate, State of Connecticut, March 18, 1909.

Passed house of representatives, State of Connecticut, March 31, 1909.

STATE OF CONNECTICUT,

Office of the Secretary, ss:

I, Matthew H. Rogers, secretary of the State of Connecticut, and keeper of the seal thereof and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution concerning reservation of inheritance tax for state revenue with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford this 7th day of April, 1909.

[SEAL.]

MATTHEW H. ROGERS, Secretary.

Mr. BRISTOW presented a petition of Oak Grange, No. 665, Patrons of Husbandry, of Shawnee County, Kans., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DU PONT presented a memorial of the board of managers of the Wilmington Institute Free Library, of Wilmington, Del., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE WILMINGTON INSTITUTE FREE LIBRARY,
Wilmington, Del.

At a meeting of the board of managers of the Wilmington Institute Free Library, on Tuesday, February 16, 1909, the following resolutions were adopted:

"The board of managers of the Wilmington Institute Free Library have learned with deep regret that an effort is making to increase the duty now levied on books and other printed matter imported into the United States, and to remove from the free list all classes of books now included therein.

"The existing tariff imposes a duty of 25 per cent ad valorem on books, excepting, however, first, books printed wholly in foreign languages; second, books in English which have been printed more than twenty years; third, books imported for the use of the United States or the Library of Congress, or for the use of libraries, educational institutions, or societies of a literary or scientific character.

"An import duty on books differs entirely in its effect upon the manufacturer from other duties in that the copyright laws afford protection to authors and publishers quite apart from the tariff.

"The protection afforded, moreover, is extremely limited, affecting only such imported modern books and periodicals as are printed in English. So far as it goes, however, the duty is a tax on knowledge and education; an unwise tax in a republic, the existence of which must always depend on the intelligence of its citizens.

"The removal of books for public libraries from the free list will be distinctly a backward step, as the exemption as now existing has been the law for many years, and the result will be the imposition of a serious tax upon a class of institutions which have always been favored or supported by all enlightened governments.

"This board therefore respectfully protests against any diminution of the privileges that libraries now possess, and further expresses the opinion that all import duties upon books and other printed matter should be entirely abolished.

"Resolved, That an attested copy of the foregoing minute be sent to each member of the Committee on Ways and Means of the House of Representatives and to each Member of the House and Senate representing the State of Delaware."

WILLIAM P. TAYLOR, President.

FREDERIC H. ROBINSON, Secretary.

Mr. STONE presented a memorial of the Latin-American and Foreign Trade Association, of St. Louis, Mo., remonstrating against the commissaries maintained by the Isthmian Canal Commission in Panama entering into competition with the merchants of that country, which was referred to the Committee on Inter-oceanic Canals.

He also presented a petition of sundry citizens of Maryville, Mo., praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented the memorial of Mrs. J. F. Cook and sundry other citizens of Lagrange, Mo., remonstrating against any increase of the duty on hosiery, gloves, and other wearing apparel, which was referred to the Committee on Finance.

He also presented a petition of the Latin-American and Foreign Trade Association, of St. Louis, Mo., praying for the ratification of the pending treaty between the United States and the Republic of Panama, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Southwestern Mercantile Association, of St. Louis, Mo., praying that an appropriation be made for the improvement of the public highways of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Violet Lodge, No. 34, Brotherhood of Railway Carmen of America, of St. Louis, Mo., remon-

strating against the decision of the supreme court of the District of Columbia in imposing a jail sentence on Messrs. Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of North Bend, Nebr., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

He also presented a petition of sundry citizens of Sutton, Nebr., praying for the enactment of legislation granting a per diem pension to the surviving soldiers and sailors of the civil and Mexican wars, which was referred to the Committee on Pensions.

Mr. PERKINS presented a memorial of sundry business firms of San Francisco, Cal., remonstrating against the imposition of a duty on raw cocoa, which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Exchange of Oakland, Cal., praying that all foreign works of art, except when imported for commercial purposes, be admitted free of duty, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 1527) granting an increase of pension to Roland E. Neff;

A bill (S. 1528) granting an increase of pension to Cyrus S. Pitts; and

A bill (S. 1529) granting an increase of pension to Charles E. Wellman; to the Committee on Pensions.

By Mr. BULKELEY:

A bill (S. 1530) to reorganize the corps of dental surgeons attached to the Medical Department of the Army (with accompanying paper); and

A bill (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 1532) granting a pension to Henrietta M. Moore (with accompanying papers); and

A bill (S. 1533) granting a pension to Antietam Burnside Mann (with accompanying paper); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 1534) granting an increase of pension to A. M. Enoch (with accompanying paper); to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 1535) amending paragraph 14 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," approved August 7, 1882; to the Committee on Appropriations.

A bill (S. 1536) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations; to the Committee on Indian Affairs.

A bill (S. 1537) authorizing and directing the Secretary of the Treasury to pay to Angeline C. Burgert the sum of \$157.72, the amount of her distributive share of the net proceeds of the sale of the Painesville and Youngstown Railroad, applicable to bond No. 209;

A bill (S. 1538) for the relief of the heirs or legal representatives of James B. Hassett, deceased;

A bill (S. 1539) for the relief of Margaret C. Montville; and

A bill (S. 1540) for the relief of the estates of J. W. Gunter and W. H. Gunter, both deceased; to the Committee on Claims.

A bill (S. 1541) to correct the military record of Otis B. Vanfleet;

A bill (S. 1542) authorizing the Secretary of the Treasury to prepare plans for the building of a memorial amphitheater at Arlington, Va., and for other purposes;

A bill (S. 1543) for the relief of Levi Mott;

A bill (S. 1544) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Cal.; and

A bill (S. 1545) to amend and correct the records of Company D, Seventh Regiment Provisional Enrolled Missouri Militia, by including the name of Valentine Fraker therein, with

the dates of his enlistment and discharge; to the Committee on Military Affairs.

- A bill (S. 1546) granting a pension to Charles Herold;
- A bill (S. 1547) granting an increase of pension to Isaac Shields;
- A bill (S. 1548) granting a pension to Henry Frederick Gieseke;
- A bill (S. 1549) granting an increase of pension to Caleb Stone;
- A bill (S. 1550) granting an increase of pension to William West;
- A bill (S. 1551) granting an increase of pension to Jennie E. Lowell;
- A bill (S. 1552) granting an increase of pension to John Whelan;
- A bill (S. 1553) granting an increase of pension to Bedford B. Hulet;
- A bill (S. 1554) granting an increase of pension to Ida L. du d'Huy;
- A bill (S. 1555) granting an increase of pension to John Robertson;
- A bill (S. 1556) granting a pension to Robert Devling;
- A bill (S. 1557) granting an increase of pension to Sarah Dawson;
- A bill (S. 1558) granting an increase of pension to Sarah F. Gillam;
- A bill (S. 1559) granting an increase of pension to Marion Cunningham;
- A bill (S. 1560) granting a pension to John A. Pollard;
- A bill (S. 1561) granting an increase of pension to Abram M. Casteel;
- A bill (S. 1562) granting an increase of pension to James E. Twitchell;
- A bill (S. 1563) granting a pension to Edward T. Sutton;
- A bill (S. 1564) granting a pension to John J. Shanks;
- A bill (S. 1565) granting an increase of pension to Darwin W. Perkins;
- A bill (S. 1566) granting an increase of pension to James C. Settle;
- A bill (S. 1567) granting a pension to John W. Wilkerson;
- A bill (S. 1568) granting a pension to Nora R. Willett;
- A bill (S. 1569) granting an increase of pension to James A. Whitworth;
- A bill (S. 1570) granting an increase of pension to Frederick W. Odell;
- A bill (S. 1571) granting an increase of pension to Thomas C. Lyon;
- A bill (S. 1572) granting an increase of pension to Phoebe A. Kent;
- A bill (S. 1573) granting an increase of pension to Christopher S. Alvord;
- A bill (S. 1574) granting an increase of pension to Harrison Ferguson;
- A bill (S. 1575) granting an increase of pension to Marion Vest;
- A bill (S. 1576) granting an increase of pension to John Whitaker;
- A bill (S. 1577) granting a pension to Mary Florence King;
- A bill (S. 1578) granting a pension to Sarah J. Boone;
- A bill (S. 1579) granting a pension to Paris G. Strickland;
- A bill (S. 1580) granting an increase of pension to Ellenor E. Wells;
- A bill (S. 1581) granting an increase of pension to Andrew J. Fryatt;
- A bill (S. 1582) granting an increase of pension to Belle F. Halstead;
- A bill (S. 1583) granting an increase of pension to Ann M. Ellenberger;
- A bill (S. 1584) granting an increase of pension to Maggie Olson;
- A bill (S. 1585) granting an increase of pension to Charles W. Branson;
- A bill (S. 1586) granting an increase of pension to Nathaniel Finley;
- A bill (S. 1587) granting an increase of pension to John H. Herod;
- A bill (S. 1588) granting a pension to Eliza J. Glover;
- A bill (S. 1589) granting an increase of pension to William Kelly;
- A bill (S. 1590) granting an increase of pension to William E. Julian;

A bill (S. 1591) granting an increase of pension to Jacob N. Ketcham; and

A bill (S. 1592) granting an increase of pension to Matthew Harris; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 1593) granting an increase of pension to James Haley;

A bill (S. 1594) granting a pension to Robert D. Walkinshaw;

A bill (S. 1595) granting a pension to Caroline Coleman; and

A bill (S. 1596) granting an increase of pension to Charles Sells; to the Committee on Pensions.

By Mr. McENERY:

A bill (S. 1597) granting an increase of pension to George Baldey (with accompanying papers); to the Committee on Pensions.

REFUND OF STAMP TAXES, ETC.

Mr. CULBERSON. I introduce a bill and ask its reference to the Committee on Finance.

With the indulgence of the Senate I will say that in 1898 an act was passed known as the "war-tax act," levying a tax on foreign bills of exchange. That tax was paid very generally. Subsequently it was declared to be unconstitutional, and on the 1st day of February of the present year an act was approved by the President authorizing the repayment of such taxes where the claims for such payment had been made prior to the 1st day of July, 1904. Since then cases have come under my observation where valid claims exist, but which were not presented by the persons prior to the 1st day of July, 1904.

The object of the bill which I introduce is to allow the presentation of such claims up to the 1st day of July, 1909, and their payment by the Secretary of the Treasury.

The bill (S. 1528) to amend an act entitled "An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes," approved February 1, 1909, was read twice by its title and referred to the Committee on Finance.

MARCIA A. TAYLOR.

Mr. DILLINGHAM submitted the following resolution (S. Res. 31), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 31.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Marcia A. Taylor, widow of George M. Taylor, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

THE CENSUS.

The VICE-PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KEAN. I do not see the Senator from Wisconsin [Mr. LA FOLLETTE] present.

Mr. GALLINGER. Let the bill be read.

Mr. KEAN. He has been sent for.

The Secretary proceeded to read the bill.

Mr. LA FOLLETTE. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read by sections for action on the amendments of the committee.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin? The Chair hears none.

The reading of the bill was resumed.

The first amendment of the Committee on the Census was, in section 3, page 2, line 14, after the word "appointed," to strike out "without examination by the Secretary of Commerce and Labor upon the recommendation of," and insert "by," so as to make the section read:

Sec. 3. That after June 30, 1909, and during the decennial census period only, there may be employed in the Census Office, in addition to the force provided for by the act of March 6, 1902, entitled "An act to provide for a permanent Census Office," an assistant director, who shall be an experienced practical statistician; a geographer; a chief statistician, who shall be a person of known and tried experience in

statistical work; an appointment clerk; a private secretary to the director; two stenographers, and eight expert chiefs of division. These officers, with the exception of the assistant director, shall be appointed by the Director of the Census. The assistant director shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 18, before the word "dollars," to strike out "five hundred," so as to read:

That during the decennial census period the annual compensation of the officials of the Census Office shall be as follows: The Director of the Census, \$7,000.

Mr. DILLINGHAM. I should like to have the committee give the reasons why they make recommendations as to a change of salaries of the various officials as provided for in this section. I understand that the salary of the Director of the Census, which was taken ten years ago, was \$7,500.

Mr. LA FOLLETTE. Mr. President, the Senator from Vermont is mistaken about that. The salary of the Director of the Census, taken in the year 1900, was \$6,000. This is an increase of \$1,000 over the salary paid at that time.

Mr. DILLINGHAM. With the Senator's permission, I will state I had the impression that by a subsequent act in 1900 the salary was changed to \$7,500 and it was so applied during the taking of that census. I may be, in error, however.

Mr. LA FOLLETTE. I think the Senator is mistaken. The salaries are reduced in this bill to conform to the salaries fixed by the census act of 1899 and the act of 1902, making the Census Office a permanent bureau.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 19, before the word "dollars," to strike out "two thousand five hundred" and insert "two thousand two hundred and fifty," so as to read:

The private secretary to the director, \$2,250.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 20, before the word "dollars," to strike out "five thousand" and insert "four thousand," so as to read:

The assistant director, \$4,000.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 21, before the word "dollars," to strike out "five hundred," so as to read:

The chief statisticians, \$3,000 each.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 22, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

The chief clerk, \$2,500.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 23, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

Disbursing clerk, \$2,500.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 24, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

The appointment clerk, \$2,500.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 25, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

The geographer, \$2,500.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 1, before the word "dollars," to strike out "two hundred and fifty," so as to read:

The chiefs of division, \$2,000 each.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 3, before the word "dollars," to strike out "two thousand" and insert "one thousand eight hundred," so as to read:

And the stenographers provided for in section 3 of this act, \$1,800 each.

The amendment was agreed to.

The Secretary read the next section of the bill, as follows:

SEC. 6. That in addition to the force hereinbefore provided for and to that already authorized by law there may be employed in the Census Office during the decennial census period, and no longer, as many clerks

of classes 4, 3, 2, and 1; as many clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than \$600 nor more than \$1,000 per annum, and as many messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen, as may be found necessary for the proper and prompt performance of the duties herein required, these additional clerks and employees to be appointed by the Director of the Census: *Provided*, That the total number of such additional clerks of classes 2, 3, and 4 shall at no time exceed 100: *And provided further*, That employees engaged in the compilation or tabulation of statistics by the use of mechanical devices may be compensated on a piece-price basis to be fixed by the director.

Mr. CURTIS. I should like to ask the chairman of the committee why the clerks in each class were not numbered, so that we could know the number of each class to be appointed, instead of leaving it in the hands of the Secretary or the director to employ as many as he may see fit to do the work.

Mr. LA FOLLETTE. There is a limitation.

Mr. CURTIS. Yes; to a hundred.

Mr. LA FOLLETTE. There is a limitation put on the number in each class. It was thought by the committee, after hearing the director, that it was prudent to give him the discretion which is conferred upon him in this section of the bill.

There were certain limitations provided in the census act of 1899 with respect to the three first classes of clerks—that is, it was provided that there should be 10 clerks of class 4, 15 clerks of class 3, and 20 clerks of class 2. But the director was invested with the widest discretion with respect to the employment of all other clerical help. Indeed, the provision from line 8 to line 15 in the section is almost identical with the provision of the act of 1899.

Mr. CURTIS. I should like to know whether the committee considered the advisability of limiting the number of each of these first three or four classes of clerks.

Mr. LA FOLLETTE. The number is limited by the proviso in lines 15, 16, and 17.

Mr. CURTIS. It is limited to 100.

Mr. LA FOLLETTE. Of all the three classes there are at no time to be employed more than 100 clerks. That is a larger number of clerks of those three classes than were employed under the act of 1900.

Mr. CURTIS. Yet they have now a permanent force that has been doing the very work that that class of clerks will be required to do. The point I want to make is whether the bill ought not to designate the number of clerks in class 1, whether 5, 10, 15, or 20, and the number of clerks in class 2 or class 3 that the director should have. It seems to me that with the number of clerks he has now and the work they have performed, the additional number is unnecessary. It puts in his hands the power of employing clerks up to 100 in either one of these classes.

Mr. LA FOLLETTE. No.

Mr. CURTIS. That is a power which does not exist as to all the classes.

Mr. LA FOLLETTE. The Senator is mistaken about that. The total number who can be employed in all three classes is but 100.

Mr. CURTIS. That is true.

Mr. LA FOLLETTE. That is as many as he indicates to be necessary. Of course in ten years the work has greatly increased.

Mr. CURTIS. That is true, but he may employ 18 clerks in one class, and then divide all the rest among the other classes.

Mr. LA FOLLETTE. That is true. It was the opinion of the committee that he should be invested with the very widest discretion in carrying forward this emergency work as to what classes he should take his clerks from; and with the limitation of 100 put upon him it is precisely in the form in which the bill passed the Senate at the last session of Congress.

Mr. CURTIS. If the committee considered that question, I am perfectly satisfied to be guided by them, but, in my judgment, it would be better to leave it the other way.

Mr. CARTER. Mr. President, I will state in reply to the inquiry of the Senator from Kansas, that in the operation of the census work under this phraseology as it stands, the cheaper grade of clerks will predominate in the beginning, and as excellence is developed promotions may occur. If, however, the various classes were rigidly confined to specific numbers, the director would thus be required in the beginning to appoint the specified number of high-grade clerks, whereas under the rule as prescribed by the proposed law the lower priced clerks of the classes may predominate, and thus normal promotions occur as points of excellence are developed in the clerical force.

Mr. CURTIS. Does not the Senator believe that the director at this time knows the number of clerks who may be necessary in each class?

Mr. CARTER. The director estimates that 100 will be an adequate number in all these classes, but he does not desire

that the number shall be equally divided in the beginning between the classes. That division will be made from time to time as efficiency records are developed, and thus the premium of promotion will be a constant incentive to better work.

If the phraseology should be changed so that 20 of the high-class clerks should be appointed in the beginning, thus filling up the quota, there would be no possibility of promotion from the lower to the higher grade throughout the entire period of service; stagnation would prevail in all the grades from the very beginning; whereas by allowing the latitude suggested, naming the aggregate number and leaving the director first to select all at the lower rate of salary, as I have heretofore suggested, he may secure better service by holding out the premium of promotion.

Mr. CURTIS. Does the Senator believe that the director will employ all the clerks at the lower grades and eventually promote them?

Mr. CARTER. The director will appoint to the lower grades, chiefly, in the beginning, and allow the course of the work and the excellence of performance to determine the number and the names of those entitled to higher rates of wages.

The VICE-PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed. The next amendment was, in section 7, page 4, line 22, after the word "employees," to strike out the following words:

Except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen.

Mr. LA FOLLETTE. I ask unanimous consent that section 7 be passed over informally. I have a committee amendment to offer to the section, and it is being prepared.

The VICE-PRESIDENT. Without objection, the section will be passed over as requested.

The reading of the bill was resumed. The next amendment was, in section 8, page 7, line 16, after the word "employee," to insert "and, if employee, whether or not employed at the date of enumeration and the number of months unemployed during the preceding calendar year;" and in line 22, after the word "deaf," to insert "and dumb," so as to make the paragraph read:

Sec. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, and, if employee, whether or not employed at the date of enumeration and the number of months unemployed during the preceding calendar year, whether or not engaged in agriculture, school attendance, literacy, and tenure of home, and whether or not a survivor of the Union or confederate army or navy; and the name and address of each blind or deaf and dumb person; and, for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions.

The amendment was agreed to.

The next amendment was, in section 8, page 8, line 2, before the word "color," to strike out "and;" in the same line, after the word "color," to insert "and country of birth;" in line 3, after the word "farm," to insert "acreage of woodland and character of timber thereon;" and in line 7, after the word "crops," to strike out "as of the date of enumeration" and insert "planted and to be planted during the year of enumeration," so as to make the paragraph read:

The schedules relating to agriculture shall include name, color, and country of birth of occupant of each farm, tenure, acreage of farm, acreage of woodland and character of timber thereon, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops planted and to be planted during the year of enumeration, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December 31 next preceding the enumeration.

The amendment was agreed to.

The next amendment was, in section 8, page 9, line 13, after the word "manufactures," to strike out "the quantity of crude turpentine gathered;" in line 14, after the word "quantity," to insert "and quality;" in line 15, after the word "manufactured," to insert "and marketed;" and in line 16, after the word "industry," to insert "and business and how conducted," so as to make the paragraph read:

The inquiry concerning manufactures shall cover the production of turpentine and rosin and the report concerning this industry shall show in addition to the other facts covered by the regular schedule of manufactures, the quantity and quality of turpentine and rosin manufactured and marketed, the sources, methods, and extent of the industry and business and how conducted.

The amendment was agreed to.

The next amendment was, in section 9, page 10, line 11, after the word "President," to insert "by and with the advice and consent of the Senate," so as to read:

The supervisors shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the whole number of supervisors shall not exceed 330.

The amendment was agreed to.

The next amendment was, in section 15, page 15, line 22, after the word "exceed," to strike out "five" and insert "four," so as to make the section read:

Sec. 15. That the Director of the Census may authorize and direct supervisors of census to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language, but no authorization shall be given for such employment in any district until due and proper effort has been made to secure an enumerator who can speak the language or languages for which the services of an interpreter would otherwise be required. The compensation of such interpreters shall be fixed by the Director of the Census in advance, and shall not exceed \$4 per day for each day actually and necessarily employed.

The amendment was agreed to.

Mr. BURKETT. Mr. President, I should like to ask a question of the Senator in charge of the bill. I have been following the reading and noticed back a section or two that there was provided a limitation of 330 on the number of the supervisors to be appointed. There was another provision that the territory assigned to each supervisor should conform as nearly as possible to the congressional districts. I take it from that that it is intended to conduct the next census along similar lines as in the past, about one supervisor being assigned to each district. I wish to inquire of the Senator how the committee arrived at the number 330. There are certainly more than 330 congressional districts in the country, and, providing as the bill does for a census of Alaska and Hawaii, it does seem to me that 330 supervisors will not reach around. I have examined the subsequent sections to see if there was any provision made for the consolidation of territory, but have not found it.

Mr. LA FOLLETTE. Mr. President, the number 330 was not determined upon to correspond to the number of congressional districts.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. In just a second. The estimate of the number required is based upon the experience of the last census. One supervisor for every congressional district is not required. The Census Office has found it more practicable and satisfactory, assuring more definite responsibility and uniformity of results, in the enumeration in cities to employ only one supervisor in a city, even large cities embracing congressional districts. Thus in New York City only one supervisor is employed, although there are about 17 congressional districts in that city. This practice is extended to all large cities, so that the number of supervisors required for the entire country is much less than the total number of congressional districts in the country.

Mr. GALLINGER. And, if the Senator will permit me, is it not likewise a fact that in the smaller States one supervisor covers the entire State?

Mr. LA FOLLETTE. I know that the director spoke of the State of Massachusetts especially.

Mr. GALLINGER. And New Hampshire, Vermont, and Rhode Island likewise.

Mr. LA FOLLETTE. I suppose that is true of New Hampshire.

Mr. GALLINGER. And that likewise reduces the number.

Mr. LA FOLLETTE. Yes.

Mr. KEAN. And there is only one supervisor for the State of New Jersey.

Mr. SMITH of Michigan. I should like to state to the Senator from Wisconsin that so far as I am able to find there has never been any provision for the employment of supervisors coextensive with the congressional districts. In the last census there were 300 supervisors.

Mr. LA FOLLETTE. That is the number. The Senator is correct.

Mr. SMITH of Michigan. There were 386 congressional districts, I believe, at that time.

Mr. BURKETT. Three hundred and fifty-six.

Mr. SMITH of Michigan. There were 356 congressional districts at that time, so that the number has only been increased in about the proportion that the congressional districts have increased. The number is proportionally the same as it was in the last census.

Mr. LA FOLLETTE. That is true. I think the number has been very carefully ascertained by the Director of the Census,

and I do not think that the Senator from Nebraska will be disappointed.

Mr. BURKETT. I have no disappointment about it and no concern about it further than, observing the provision in the line following the limitation that the supervisors should be apportioned, so far as practicable, I thought probably in view of the phraseology it would not be very practicable.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was in section 18, page 17, line 23, before the word "dollars," to strike out "four" and insert "three," so as to make the section read:

Sec. 18. That special agents may be appointed by the Director of the Census to carry out the provisions of this act and of the act to provide for a permanent census office, approved March 6, 1902, and acts amendatory thereof or supplementary thereto. The special agents thus appointed shall have like authority with the enumerators in respect to the subjects committed to them under this act, and shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That the same shall in no case exceed \$6 per day and actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding \$3 per day during necessary absence from their usual place of residence: *Provided further*, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census shall have power, and is hereby authorized, to appoint special agents to assist the supervisors whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration or in connection with the reenumeration of any district or a part thereof; or he may, in his discretion, employ for this purpose any of the permanent or temporary employees of the Census Office: *And provided further*, That the Director of the Census may, in his discretion, fix the compensation of special agents on a piece-price basis.

The amendment was agreed to.

The next amendment was, in section 33, page 27, line 9, after the word "the," to strike out "Director of the Census, under the supervision of the Secretary of Commerce and Labor," and insert "Secretary of the Treasury," so as to make the section read:

Sec. 33. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, for the use of the Census Office, and for other governmental purposes, the site and buildings thereon, containing about 118,000 square feet of ground, and constituting the southern 350 feet, more or less, of square No. 574, in Washington, D. C., bounded on the north by a public alley, on the south by B street, on the east by First street, and on the west by Second street NW.: *Provided*, That not more than \$430,000 shall be paid for the property herein referred to.

Mr. LA FOLLETTE. On behalf of the committee I have an amendment to offer, not only as a substitute for section 33, but for section 34 as well. I will ask, therefore, that section 34 be read, and then I will offer the substitute for both sections.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. In section 34, page 27, line 24, after the words "That the," it is proposed to strike out "said Director of the Census, under the supervision of the Secretary of Commerce and Labor" and to insert "Secretary of the Treasury," so as to make the section read:

Sec. 34. That the Secretary of the Treasury is instructed to cause to be erected on such portion of the site as is not now occupied by buildings, a commodious and substantial building with fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the Census Office, and for other governmental purposes, the cost of such building not to exceed \$250,000. A sum of money sufficient to pay for the property and the erection of the said building is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to the property referred to shall be vested in the United States.

Mr. LA FOLLETTE. I am directed by the committee to offer the amendment which I send to the desk as a substitute for sections 33 and 34.

The VICE-PRESIDENT. The Secretary will read the substitute proposed by the Senator from Wisconsin.

The SECRETARY. It is proposed to strike out sections 33 and 34, and in lieu thereof to insert as a new section, to be known as section 33, the following:

Sec. 33. That the Secretary of the Treasury be, and is hereby, authorized and directed to provide, upon land, the title to which is in the United States, or to acquire by purchase, condemnation, or otherwise, a suitable site, with or without buildings thereon, for the use of the Census Office and for other governmental purposes, and to remodel, rebuild, or construct thereon such building or buildings as may be necessary to provide substantial and commodious accommodations for the Census Office, on or before January 1, 1910. The sum of \$750,000, or so much thereof as may be necessary to carry out the provisions of this section, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to any property acquired under the provisions of this section shall be vested in the United States.

Mr. LA FOLLETTE. Mr. President, this amendment slightly increases the appropriation provided in section 34 and invests the Secretary of the Treasury with a discretion which will enable him, if it is possible within the limits of this appropri-

tion, to procure a better location than the present site of the Census Office.

The VICE-PRESIDENT. The question is on the substitute offered by the Senator from Wisconsin.

Mr. CLAPP. Mr. President, I should like to ask the Senator in charge of the bill a question. This is a matter with which I am not familiar. Is it contemplated that this additional building is necessary for the taking of the census provided for in this bill?

Mr. LA FOLLETTE. Mr. President, it would be impossible to care for the force necessary for the taking of the census without either renting, as was done in 1900, office rooms in other parts of the city, which is very expensive and very inconvenient, or erecting some additional rooms on or near the site occupied by the present census building which is under lease.

Mr. CLAPP. Mr. President, of course the committee undoubtedly has given this subject a great deal of attention, but it does seem to me that it is vesting unusual authority in the Secretary of the Treasury to authorize him to select the site for the proposed building, with no information to be first furnished Congress as to where the site is or the price of it. It may be that the exigencies of the case demand it. Nothing but that suggestion would warrant me in supporting such an extraordinary grant of authority.

Mr. LA FOLLETTE. Mr. President, I do not know what position the Senator from Minnesota took when this bill was before the Senate at the last session, but at that time the Senate and, indeed, Congress adopted the provision which is in the bill as reported originally by the committee, for which the proposed amendment is offered as a substitute. It was determined, after considerable debate in both Houses, determined after hearings by the committees of both Houses, that it was, so far as the subject-matter could be considered by both committees and both Houses, necessary to provide this additional room for the Census force, and that the best and most feasible plan for making that provision was presented by the bill as finally passed at the last session.

Some objection was made to the provision when the matter came up for debate here in the Senate, and this is with the view of meeting that objection and, if possible within the appropriation proposed, to secure a better site than the one then contemplated, leaving in the Secretary of the Treasury the discretion to make the selection.

Mr. CLAY. Mr. President, if I catch the language of the Senator, with his permission, I wish to say that the bill we passed, which was vetoed by the retiring President, confined the purchase to the present location and the adjoining land, if I understand it.

Mr. LA FOLLETTE. That is true.

Mr. CLAY. And the amendment offered by the committee at this time authorizes the Secretary of the Treasury to examine different sites and select such site as he may think suitable for that purpose?

Mr. LA FOLLETTE. Certainly.

Mr. CLAY. It does not confine the Secretary of the Treasury to the particular site where the Census Office now is or to any other location?

Mr. LA FOLLETTE. That is the scope and purpose of the amendment. It permits the Secretary of the Treasury to avail himself of any land which the Government may have at this time which may be a better site or to acquire some other site.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. When this subject was before the Senate at the last session I did not say anything, because I knew it was absolutely useless. I was certainly opposed to any such proposition. On the other hand, it does seem to me that the Senate, and, if not the Senate, at least the committee, ought to have in mind some location—different locations, if necessary—with the price, in order that the Senate, acting through the committee, might have some voice as to where this building should be located, the character of it, and the price to be paid for the land.

It will take some little time to erect a building, probably a year or two. If the Secretary should desire to erect one, in the meantime we would probably have to rent accommodations, anyhow. What suggests itself to my mind is the unusual proposition of turning over to any officer the authority to select a site and agree on the price without any previous information being furnished the Senate or its committee as to where the proposed site may be or what the land may cost. It may be that the exigencies require it. If they do, I certainly do not want to oppose it.

Mr. TALIAFERRO. I should like to ask the Senator from Minnesota a question. I ask if the policy of the Government generally is not to authorize the Secretary of the Treasury to select sites for government buildings, except perhaps in the case of buildings to be occupied by the Government in the District of Columbia?

Mr. CLAPP. Exactly. That is just the point I would make. When we come to authorize the erection of post-offices or custom-houses in cities distant from the capital, of course we leave it to the Secretary; but it would seem to me that when it comes to erecting buildings here in the city of Washington, where we would be inclined to bear in mind possibly the relation of one location to another, although not perhaps having a fixed plan, Congress ought to say something about where such buildings should be erected, unless there is a contingency which has arisen.

Mr. TALIAFERRO. There is a contingency and an emergency.

Mr. CLAPP. Then I do not wish to press the objection.

Mr. TALIAFERRO. The information presented to the committee was that this was the most economical time to make provision for the general census force. It has been represented to the committee, and the committee think, that the building ought to be in readiness for the force by the 1st day of January, and that date is fixed in the authorization to the Secretary of the Treasury to purchase the site and construct the building.

Mr. LA FOLLETTE. Just one word, Mr. President. Exactly this situation is presented: It is necessary to provide additional buildings properly to house the force that must compile the census during the census period. We have a limited time in which to do it. It may be that Congress has been negligent about it; it may be that the matter should have been taken up a year or two ago, when there was ample time to consider the whole proposition and provide for a building with reference to other buildings, but we are now confronted with a situation where we must increase very largely, by some two or three thousand, the employees of the Census Office. That must be done very soon. We either have to do that by making use of the buildings we have there and making additions to them, as contemplated by the bill as passed by the last Congress and as reported by your committee and as now presented to the Senate; or we must, if it can be done within the same appropriation, make selection of a better site and get the building completed within the same time. That seemed to the committee the wise thing to do. Upon further consideration, at a meeting of the committee held this morning, it was decided to report this substitute, so that in providing a building we shall not be limited to this one site, to which considerable objection has been made whenever the matter has been brought to the attention of the Senate.

Mr. CLAPP. Will the Senator from Wisconsin entertain a suggestion? I appreciate the situation, but I do not like the idea, when it comes to building permanent buildings in the District of Columbia, of leaving it to any one man. Would it appeal to the committee to incorporate in this amendment a provision leaving it to the Secretary, in conjunction with the Census Committees of the Senate and the House, so that it would be somewhat in the hands of the Senate, through its committee?

Mr. TALIAFERRO. The chairmen of each of those committees.

Mr. CLAPP. The chairmen of each of those committees; and if it meets with the approval of the Senator in charge, I would suggest that amendment. I do not think, when it comes to locating permanent buildings here in the District, we ought to have the views of more than one man.

Mr. LA FOLLETTE. It is hardly to be expected, with this amount of money, that a site can be acquired and a monumental building erected. We are simply making provision for an emergency which has arisen.

Mr. GALLINGER. Mr. President, I will ask the Senator in charge of the bill if it is in contemplation to purchase a site and erect a building for \$750,000?

Mr. LA FOLLETTE. If there should be erected the building which was contemplated by the bill passed at the last session of Congress and by the bill as passed by the House of Representatives at this session of Congress, we would acquire a site and would erect a building upon a portion of that site, in addition to acquiring the buildings now standing there, for the sum of \$680,000. Options have been secured upon the tract of land where the census building now stands and upon land adjoining it, upon a portion of which there is a building which is now in use by the Southern Railway Company, which the company will relinquish if the Government desires to exercise its option and buy that land.

Mr. GALLINGER. I can readily understand that if the present site is to be acquired the additional building could be constructed for \$750,000; but the amendment contemplates the possibility of going outside and purchasing other land and erecting a building upon it, in which case I will suggest to the Senator that the sum of \$750,000 will be utterly inadequate. We have had some experience in purchasing land in the city of Washington, and I will say unless the present site shall be acquired that the Secretary of the Treasury will be very fortunate, indeed, if he buys a foot of land in the District of Columbia except through condemnation; and that is a very expensive proceeding, as we happen to know.

Mr. LA FOLLETTE. I will say in reply to that, that I have no doubt the Senator is probably right in his assumption, and it is even probable that the Secretary of the Treasury, after looking over the entire situation, invested with the widest discretion under this amendment, will be compelled, in order to keep within the appropriation, to select the site of the present Census building. But it has been suggested by some Senators that there are sites already owned by the Government upon which the building might be erected. It is not contemplated that, within this appropriation, there will be erected a monumental building that will stand for a great period of time, but just a fireproof commercial structure which will house the employees and take care of the records of the bureau.

While I think it was the opinion of perhaps every member of the committee that the Secretary of the Treasury would possibly be driven ultimately to accept the present location, it was thought that if there was an opportunity to get a better location and keep within the amount that Congress can properly appropriate at this time, that discretion ought to be given.

Mr. GALLINGER. Mr. President, in addition I have simply a word to say. I quite sympathize with the Senator that if we are to have for the purpose of the Census Office a new building, a building that will stand for a long time, upon a site different from that upon which the building now stands, we ought to guard it a little better than it is guarded in this amendment so far as the authorization is concerned. But I will not urge that. I think the suggestion is a wise one, and I should like very much if the Senator from Wisconsin would agree to it—to add to the Secretary of the Treasury, for instance, the Director of the Census and the chairmen of the Committees on the Census of the Senate and House.

Mr. LA FOLLETTE. I do not know that there would be any objection to such an amendment. For my own part I should feel that I could be of very little service on such a committee.

I desire to say just one word further with respect to the suggestion made by the Senator earlier in his remarks, and that is this: It was proposed in the bill passed by Congress at the last session to erect a building on the present site, or adjoining the present site, for \$250,000. It had been carefully estimated that there could be housed and cared for in that building, besides the records, some 1,500 clerks, which would be about equal to one-half the entire census force during this census period, when the largest number are employed in the Census Office.

Mr. President, if a suitable fireproof building of that size can be erected for \$250,000, it might be possible to find a site more desirable than the present one at a cost which would enable the Secretary of the Treasury, within this appropriation of \$750,000, also to erect such a building, say for \$450,000, which would house all of the force of the Census Office.

The junior Senator from New York, in conversation upon the floor, yesterday called my attention to a site in the vicinity of the Corcoran Art Gallery, which is under contemplation and, I believe, under option, for an auditorium, by which the amount to be paid per square foot is only \$2.50, if I remember rightly.

Mr. NEWLANDS. A little over \$2.

Mr. LA FOLLETTE. A little over \$2. It is possible that that site might be secured and a building erected there which would serve for census purposes during the census period and then be converted into an auditorium by partial reconstruction. Of that I do not know.

I simply wish to say, in conclusion, it was the view of the committee that it was wise not to confine the Secretary of the Treasury to this particular location, provided we could keep within about the same expenditure of money and secure what would meet the exigencies of this occasion and better provide for the accommodation of the Census Office.

Mr. BURKETT. Mr. President, I think, perhaps, if this provision is to be inserted, there should be some changes. I take it it has been hastily drawn with reference to its wording, but that can be attended to in conference.

But I am going to say what I do not know that anybody else has said. I should like to have the chairman of the

committee enlighten me, whether or not anybody else wishes to be enlightened, upon the advisability of building a structure here for the Census Bureau. I am frank to say I do not think it is a good business proposition. I do not believe that in the few months from now until we shall have to begin to take the census we have time to build a building suitable or at all satisfactory. We have always had more or less of this sort of discussion, but unfortunately we have waited until within a few months of the time for taking the census.

If we follow the same practice with reference to the appointment of this clerical force that was followed ten years ago, by the 1st of September we will have quite a large part of the clerks here in Washington; at least, by the 1st of next April we will have them practically all here. It leaves only a few months in which to prepare the plans, to enter into the contracts, and to erect the building and get it ready for the taking of the next census.

Now, the best that can be said is it will be a botch. It is not going to be what the Government wants. It is not going to measure up in any great degree to what the Government ought to have. I believe the Government ought to build some more departmental buildings. Anybody can see we must have one for the Department of Commerce and Labor. It seems to me that the better way would be to strike out all of this provision with reference to the erection of a building right now. There is the building down here that we used ten years ago. In addition to that we have thrown open practically all of the Maltby Building, and perhaps by reason of these two Office buildings some other rooms could be utilized. At this late hour, with less than six or seven months at hand, to start somebody out on the erection of a fireproof building here is a ridiculous proposition to me.

It seems to me, I will say frankly, from all this discussion and that at the last session of Congress also, that it is going to narrow itself down to this particular site. I have never been satisfied with that site for a government building. I doubt if we want to start any kind of a building down there. I would rather get a more desirable site, in harmony with the rest of our public buildings, and build a public building, and have it right for all time, taking the necessary time to build it and building it in a proper way.

This bill devolves upon some man already overcrowded with business the duty of buying land for a building; and he will turn it over to somebody else. Congress will not know anything about it. No provision is made for plans. The Supervising Architect is overrun with business. This requires him within a few months to build a building. We will in the end get something that is not satisfactory, a botch, as I say, in construction. It will not be finished and completed and dry enough in time to put the force of clerks into it.

For one, I would rather see this whole matter with reference to the erection of a building stricken from the bill and direct the authorities to rent whatever may be necessary, if it shall be necessary. I doubt if it shall be necessary. In my opinion, with the Maltby Building thrown open, as it is now, with the additional room that can be found in the Senate Office Building for temporary purposes, a building with a great amount of room for storage purposes, and which is under the control of the Senate, it is folly to start out at this time upon the erection of a building.

So far as concerns a fireproof building of any size for \$250,000, that seems to me, from a somewhat limited knowledge of buildings, almost ridiculous. We will not get a fireproof building. We will get a building of which we will always be ashamed and that will stand there for a good many years. I do not think any of us have been satisfied with the building we have there, which has always been pointed out as a government building, and has not been satisfactory in any particular. Let us not continue this ridiculous method any longer. Let us go ahead and use that building, and the next time we get around to public buildings we will build a building which will house the Census Office and take care of it, by the time, in my opinion, that the next census shall be taken, and we will be better satisfied with it, and the Government will save money. I hope such an opportunity will be afforded. I think I will move to strike all of it out of the bill and see if there is anybody else who is of the opinion I am.

Mr. LA FOLLETTE. Mr. President, during the last census it was found necessary to rent rooms in different parts of the city for a large portion of the force. The force was scattered nearly all over the city as a matter of fact. It is exactly what we will be confronted with if we do not make some provision such as is embodied in the pending amendment. It is estimated that with the force scattered about the city in rented quarters it

will cost something like \$50,000 a year more in the way of delay of work, in carting records back and forth, and in the necessary additional expense of supervision than the cost with the force consolidated under one roof.

It would be a good deal better, if necessary, to make a botch of a building that would cost \$250,000, than to make a botch of the census, which would cost ten or twelve or fourteen million dollars. By bringing this force together and putting \$250,000 into a suitable, fireproof building, the plan of which has already been drawn, we can take care of the census in the emergency now upon us without a very great sacrifice of money.

Mr. CARTER. Mr. President, it seems appropriate to suggest, in reply to what the Senator from Nebraska [Mr. BURKETT] has said in reference to the Maltby Building, that that building has been condemned by the building department as unsafe on several different occasions. One member of the committee, whose office rooms were located in that building, desired to move into his rooms United States Supreme Court reports, for convenience, and was at once admonished that the building was in a precarious condition and that no additional weight could be placed in the building without imperiling the lives of the occupants, in consequence of which admonition he was required to send his books elsewhere.

The census records of a division placed in that building would probably result in startling the country in a very short time with such a loss of life as was witnessed when old Ford's Theater caved in and resulted in serious loss of life or permanent injury to many of the clerks who were employed there at that time.

I doubt if anyone would seriously consider placing any clerical force in a building which the building inspectors have at least twice warned the Congress that, occupied for office purposes, was insecure. I for one certainly would not willingly assent to any such proceeding, laden with responsibility as that assent would be.

Mr. NEWLANDS. Mr. President, it is clear to my mind that the work of the census must be concentrated, and it is also clear that whatever accommodations are provided must be provided within a year. Perhaps the easiest thing to do is to take the lot where the present Census building is located, to buy the adjoining property, and to put up a building costing \$250,000, which, added to the existing building, will meet the requirements of the force. However, I have always been opposed to that site, not because I thought the price asked was unreasonable, not because I did not think the Government would ultimately acquire it as a part of its park-development scheme, but because I thought it inhuman to put 4,000 employees of the Government in a building in the very lowest part of the city, without sufficient air spaces about it to insure comparative comfort during the hot season. I think I am not mistaken when I say the entire force will be between 3,000 and 4,000; and in these days when we are confronted with the question of the proper housing of people, it seems to me we ought to give consideration to the housing of these employees of the Government, who are under great strain, and will be for a period of three years.

The question is, Where can we concentrate the buildings necessary for this purpose within a year? There is no question about it that the building proposed, costing \$250,000, upon the lot adjoining the present site can be built within nine months or a year. The Senator from Nebraska [Mr. BURKETT] doubts that. But I think he can not be familiar with the extraordinary work that has been done by the great builders and constructors of the country in the great cities. The Senator has doubtless seen that magnificent building in New York, known as the "Stock Exchange," a building of very noble proportions, which was planned, designed, and finished within one year.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. I yield.

Mr. BURKETT. In the first place, we have not a year within which to build it; and in the second place, there is not a plan made for it. You probably could not get the steel made in time, if you ordered it now.

Mr. NEWLANDS. If that can not be done, then of course the Secretary of the Treasury under this amendment will purchase the existing site. But I have had some experience in buildings—a very wide experience in buildings, particularly since the fire and earthquake in San Francisco—and I have taken occasion to familiarize myself with the speed with which work of this kind can be conducted; and I assure the Senator that an entirely fireproof building, not only sufficient for all the requirements of this force, but pleasing to the eye, strong

in construction, and monumental in character, can be planned and put up within one year. I can refer the Senator to numerous instances in Chicago and New York and other great cities in which it has been done.

Mr. GALLINGER. Mr. President, can the Senator refer to any instance where the Government has ever done it?

Mr. NEWLANDS. I regret to say that I can not furnish such an instance, but I should expect that this amendment would put the Secretary of the Treasury and the Supervising Architect of the Treasury upon their mettle, and they would vie with private enterprise in the accomplishment of this work.

In a conversation with the Attorney-General two weeks ago he referred to the construction of the New York Stock Exchange building within a period of one year, and he referred to it as showing what could be done with a building dedicated to the Department of Justice, which, as we all know, has lagged for years. If this work should be put under the charge of the Attorney-General, familiar as he is with large enterprises in New York, connected as he has been with large corporations engaged in great constructive work, I will undertake to say that he would have the plans and the building finished all within one year.

Now, what is the nature of this construction? It is a very simple construction. It consists, first, of a steel frame and then simply filling in the steel frame. The spaces to be used are very large. The rooms will be perhaps from 40 to 50 feet wide and 100 feet long, or perhaps of greater length, for that is the modern way of such a construction.

The great delays in construction, the great cost in construction, come largely from the interior finish, the construction of partitions, the woodwork, and things of that kind. All these are unnecessary in this case. So far as the mere structure is concerned you put up the shell and fill in the spaces, and later on, if you want to make the building monumental in character, you can put on the columns, the marble, and the stonework that will give it character and dignity. There is no question about your being able, within a very limited time, to put up a building that will comfortably house these employees.

When the matter was last before the Senate I was impressed with this view; and after it passed I asked a noted architect of this city, who has done some of the best work in the city, who designed the Union Trust Company Building on H street, whether a building of this character could not be put up within a year. He sent me a letter of the George A. Fuller Company, stating that a building constructed according to a scale which Mr. Deming dashed off, but which is very attractive in appearance, of the dimensions required, could be constructed within a year for from 25 to 30 cents per cubic foot.

Here in this case the Census Office requires 200,000 square feet of surface. If you get a block containing, as most blocks do, 150,000 square feet, you will want to have a building only a little over one story high. Two stories would furnish one-half more than the space required.

The question is, Has the Government to-day within reach any space upon which this building can be constructed? We are all familiar with the fact that years ago the Government bought an entire block near the War Department for a Hall of Records building. That block, I believe, contains about 150,000 feet. The building has never been put up. It seems to me that it would be very much better to put the census force upon that salubrious site near the Mall, with large air spaces around it, and to put the future Hall of Records building on the site now occupied by the Census Office.

As everyone knows, the Hall of Records will not be filled with human beings; the building will be filled mainly with documents of the Government, and salubrity of site is not essential, whereas the Census Office is to be filled with between three and four thousand employees. So all you have to do is to devote the building indicated for the Hall of Records to this purpose, and, I should say, within nine months a suitable building could be constructed.

There is another site that is within reach, and that is the site referred to by the junior Senator from New York [Mr. Root], the site near the Corcoran Art Gallery, lying between it, I believe, and the building belonging to a patriotic organization of the country, and adjoining, I believe, the new building erected by Mr. Carnegie and dedicated to the American Republics. There is a block containing 160,000 square feet. I am told that an option has been obtained for the whole of it at the rate of a little over \$2 a foot—less than the cost of the proposed site, the total cost being \$350,000 for this site.

Citizens of Washington have been engaged in the enterprise of collecting funds to put upon that site an auditorium. It is a question as to whether private parties can carry through that

enterprise, because it will be one probably without profit, and it is a question as to whether it ought to be a private enterprise, for there are numerous congresses, such as the tuberculosis congress that was held here some time ago, an international congress, and the international railway conference. Meetings of that kind are being held continually under the auspices of the Government, and some proper housing ought to be provided for them.

It is suggested by the Senator from New York that by co-operation in some way with the Citizens' Association this block might be turned over to the Government and a structure put upon it which would be suitable for the Census Office, and which could be dovetailed into and form a part of the future auditorium. Certainly the air spaces dedicated to the census force will be admirably adapted to large meetings. The census force will occupy the entire space for a period of only two or three years, and during the remaining seven or eight years the building will be very largely unoccupied. So it seems to me that this structure could be very well put to both uses.

The purpose of this amendment is to give the Secretary of the Treasury a free hand in this great exigency and emergency, to allow him, if in his judgment it is best, upon consultation with the census force, to purchase the existing site, and also to permit him, if it is thought best, to put up this structure upon the Hall of Records site, or to permit him by a negotiation with the citizens' organization to get control of the lot now proposed for a public auditorium.

I regret that the sum is placed at only \$750,000, for I think that a building with 200,000 square feet of floor space will be a building, probably, of about two million and a half cubic feet, and at the price of 25 cents a cubic foot, for which such a building could be constructed, it would cost somewhere near \$600,000, hardly leaving enough for the purchase of a site if the purchase of a site such as the auditorium site should be the best thing. I would much prefer that the amendment should increase the appropriation to a million dollars, and when we have done that we have placed it in the power of the Secretary of the Treasury to meet every phase of this question by proper negotiations.

Mr. ROOT. Mr. President, the fact that the Census Committee have proposed an amendment to the provision originally forming a part of the bill by which they ask the Senate to confer upon the Secretary of the Treasury discretionary power in regard to the selection of a site seems to indicate that the committee had become conscious of the fact that there were considerations which ought to receive weight and which they had not had the time or the opportunity to entertain as they ought to be entertained.

I can well see that there are such considerations. One is the question whether there may not be some plat of land already belonging to the Government upon which this temporary structure may be erected. Another is the question whether in view of the manifold needs of the Government for additional buildings there may not be some arrangement devised under which this structure may answer, in the first instance, the specific purpose of accommodating the clerks of the Census Bureau during the census period and afterwards be applied to other government uses.

I should much prefer to have those questions considered by the Congress itself; but if they have not been fully considered, as the action of the Census Committee seems to indicate, then it seems to me that we had better remit the consideration of them to a body which we can trust, so that they may be considered without delaying this pressing measure by consideration which we are not now prepared to give.

I must confess that the suggestion of the Senator from New Hampshire [Mr. Gallinger] that there be an addition to the number of persons whom we call upon to exercise this discretion strikes me very favorably. I would rather see it put in the hands of a commission which can discuss the subject than in the hands of a single individual, greatly trusted as the Secretary of the Treasury is and ought to be.

I wish to suggest, however, to the Senator from New Hampshire that he make a further addition to the number of official persons whom he would include in such a commission. He mentioned, I believe, the chairmen of the Census Committees of the Senate and House and the Director of the Census as appropriate persons to add to the Secretary of the Treasury. It seems to me that the location and erection of a public building in the city of Washington is necessarily something more than a mere census question.

We are spending a great deal of money, and, I believe, properly and laudably spending it, to make Washington beautiful. If we erect a Census Office building, though we may call it a temporary building, no one can tell how long it will stand. It may

outlast any and all of us. It would be a pity to consider nothing but the accommodation of the clerks in the location and erection of such a building. It seems to me that the relation of the building to the general plan of Washington, the general character of its public buildings, and the development of the city in continually increasing beauty ought to be carefully considered, as well as the other matters to which I have referred.

I suggest that the chairmen of the Senate and House Committees on the Library should be added to the commission. They are much in the habit of considering just such subjects. They have for years been selecting sites and considering plans for public memorials and monuments of various kinds, so that they are competent to pass upon just such questions as I have referred to.

Mr. CLAPP. Mr. President, the suggestion of the Senator from New Hampshire, supplemented by the suggestion of the Senator from New York, would leave that body an even number. I would suggest that the Director of the Census be eliminated and that the body consist of the Secretary of the Treasury, the chairmen of the two Committees on the Census, and the chairmen of the two Committees on the Library. By dropping out the Census Director it would leave an odd number, and it might conduce to an agreement more readily.

Mr. BULKELEY. Mr. President, it seems to me this is a question that involves and should involve much more thought than could possibly be given to it in connection with the preparation of a bill for the taking of a census. The erection of public buildings in this city has been a matter of very careful study, not only from time to time by Congress, but by bodies of men who are familiar with the proper grouping of public buildings. We have in the Senate a committee that has charge of such business, the Committee on Public Buildings and Grounds. I should like to ask the chairman of the committee who has the bill in charge if the Committee on Public Buildings and Grounds has ever given any consideration to this matter?

Mr. LA FOLLETTE. I am not able to answer that. I am not a member of that committee, and can not speak for it.

Mr. SCOTT. Will the Senator from Connecticut allow me to answer the question?

Mr. BULKELEY. I would be glad to have it answered.

Mr. SCOTT. The Committee on Public Buildings and Grounds, I think, should be included in the proposition to erect a Census Office building or to add to the present building. I should think that it was a reflection upon the committee of which I am chairman to put it in the hands of the Committee on the Library. We have certainly given the subject a great deal of thought and consideration. The Senator from New York [Mr. Root] will remember, I think, that when he was serving as Secretary of State, and we were trying to acquire the block between Fourteenth and Fifteenth streets and Pennsylvania avenue and the Mall, we conferred with him and had communications from him on that subject. I do not want to inject my personality or that of my committee into whatever the Senate may think is best for the purpose of the Government, but I think if you would leave it to the Committees on Public Buildings and Grounds of the Senate and the House we could probably take care of it in a proper manner.

Mr. BULKELEY. There have been, I understand, very elaborate plans drawn from time to time for the beautifying of the city in connection with the erection of our public buildings. I think there is pending in the Senate at the present time a scheme to acquire large parcels of land on the south side of the avenue for the purpose of erecting on some general plan the buildings that will be adequate to the future demands of the Government.

It occurs to me that it would be vastly better to eliminate a scheme of this character, which can only be of a temporary nature and is only proposed to be of a temporary nature, for, I take it, that it would hardly comport with the dignity of the buildings we have heretofore erected for the Government to erect a permanent building for the Census or any other bureau that would be of such an inexpensive character as to cost but \$250,000.

I hardly think that anybody would for a moment believe that for any such sum you are going to erect a building for any department of the Government that would answer the demands of the department or answer the criticisms that we would be likely to receive, in view of the elegant buildings that we have been constructing in the past few years.

I should much prefer to see, in accordance with the suggestions of the Senator from Nebraska [Mr. BURKETT], the whole item stricken out from the bill and left where, it seems to me, it properly belongs, and where it naturally would be considered and carefully considered by the Committee on Public Buildings and Grounds. I would suggest for the consideration of the

Senate a proposition to strike out sections 33 and 34 of the bill in order that the provision may be considered in the regular way and not as a part of the census bill.

Mr. HEYBURN. I ask that the amendment under consideration may be read.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will read the amendment.

The SECRETARY. In lieu of sections 33 and 34 in the bill insert the following, to be section 33:

SEC. 33. That the Secretary of the Treasury be, and is hereby, authorized and directed to provide, upon land the title to which is in the United States, or to acquire by purchase, condemnation, or otherwise, a suitable site, with or without buildings thereon, for the use of the Census Office and for other governmental purposes; and to remodel, rebuild, or construct thereon such building or buildings as may be necessary to provide substantial and commodious accommodations for the Census Office on or before January 1, 1910. The sum of \$750,000, or so much thereof as may be necessary, to carry out the provisions of this section is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to any property acquired under the provisions of this section shall be vested in the United States.

Mr. HEYBURN. Mr. President, it seems to me inappropriate to take up the consideration of the building or acquiring of a site for a building for any purpose in connection with this bill. During the Fifty-ninth and Sixtieth Congresses this body passed a bill and sent it to the other House providing for the purchase of the land south of Pennsylvania avenue as a suitable place to erect all necessary public buildings for a long time to come. Those who have taken an active part on behalf of that legislation have given necessarily a great deal of attention to the question of providing necessary buildings not only for to-day but for the future.

In my judgment, the Government should provide public buildings in this city for fifty years ahead of the present requirements. There should always be on hand extra rooms for extraordinary conditions that may arise. The Government should never be compelled to rent rooms in which to perform governmental functions. I am quite as strongly in favor of constructing public buildings, so much in each Congress, as I am of constructing war ships on the basis of so many in each Congress.

I think it quite as important to prepare for peace as it is to prepare for war. We are to-day paying rents in the city of Washington on the basis of about \$16,000,000 in order to provide homes for government employees. To undertake in connection with the enactment of a measure such as this to provide for a building for this purpose merely because it has the same name does not seem to me at all necessary or wise.

We are apt to make this mistake. Before adopting a general policy for the location of these buildings we are apt to find that we have by dealing with it piecemeal scattered them around over the city. For instance, the Pension Office building is not located anywhere with relation to any other building. It is not according to any style of appropriateness at all. I am quite anxious to see a definite policy established at the earliest day so as to head off this irresponsible "spattering around" of buildings, if I may use such a term.

There is nothing in the amendment that determines where this building shall be located. Those designated by the act to locate it to-day may not be in sympathy with any system that Congress may have in view as to the location of public buildings. I feel called upon to protest against any provision being incorporated in the bill that will forestall an intelligent location of public buildings according to some recognized system.

It has been the declared policy of the Senate, twice expressed, that the public buildings should be on the south side of the Avenue. That is the position which the Senate has assumed on two occasions. I know of no reason for changing or anticipating a change of sentiment. Suppose, forsooth, that this commission—if that is to be determined on—were to conclude to erect a Census Office building off in some disassociated part of the city—

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I suggest to the Senator from Idaho that whilst at all events most of us agree with him in his views regarding the south side of Pennsylvania avenue, it is utterly impossible within the limited time to secure a site, because the blocks there are in divided ownership and the negotiations would cover a considerable period. This building has to be provided, if it is provided at all, within nine months or a year.

Mr. HEYBURN. Mr. President, I think that is not a serious objection at all. The Government has now at its disposal that palatial building lying at the foot of the grade in which nearly

one-half of the Members of this body have been luxuriously and comfortably located for the last twelve or fifteen years, known as the "Malty Building." It was good enough for Senators, and I suppose it is good enough for census takers. I would try it.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Does the Senator realize that the employees of this bureau will number between three and four thousand?

Mr. HEYBURN. Well, we have more than that number; we have many thousands scattered around in rented buildings in this city. Does it occur to the Senator from Nevada that on the very eve of entering upon the taking of the census we should contemplate and undertake the erection of a building for that purpose? If you are going to provide a new building for the census, it should have been taken up five or six years ago. The idea of waiting until the hour of action, and then say, "Well, the first thing we have got to do is to build a house to cover us and shelter us while we take the census." No; that is not a conservative plan. I do not think it will appeal to the Senate upon mature deliberation that we should feel it necessary to construct a building before entering upon this work. What would we do with the building afterwards? Where would it be located? To what use would it be put? I think that every reference to the construction of a building should be eliminated from this bill. Let us, as soon as we can, carry out the broader plan of acquiring the land south of the Avenue which the Government does not already own, and provide for a harmonious construction of buildings that will be adequate for the present and for the future necessities of the Government.

I do not believe that all Members of Congress know that the Government already owns fully one-fourth of the land south of the Avenue, and has been allowing it to be used rent free and cost free by money-getting enterprises for a lifetime. The Government owned the land upon which the Pennsylvania Railroad Company's buildings were, but forgot it. It had allowed that company to use the land so long rent free that both the company and the Government thought the company owned it, and we actually made an appropriation to pay them \$1,500,000 for land which we owned.

Mr. GALLINGER. We invited the company to occupy it, and Congress ratified it.

Mr. HEYBURN. Well, if you invite a man to come in and occupy a seat at your table, you do not thereby give him a free simple in your household.

Mr. GALLINGER. Now, Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. The Government, for the purpose of getting a competing railroad into Washington, invited the Pennsylvania Railroad corporation here and gave them the occupancy of certain lands south of the Avenue—considerably south of the Avenue—upon which to erect a station. Subsequently the Government asked the company to abandon that land and accept the site upon which their station was built. Now, it is hardly fair to say that they were squatters or that they ought to have been dispossessed except in a proper way.

Mr. HEYBURN. Mr. President, I am not entering upon any attack upon any railroad. I am dealing with facts. I presume I am as friendly in my intention toward the Pennsylvania Railroad as that railroad is toward me, or as it is to any other Senator. I am dealing with pretty cold-blooded facts that somewhat astonished me when they were developed upon this floor upon a former occasion. I wonder how many know that the Government owns the land upon which the Center Market stands, and that that market has occupied it a lifetime without paying or compensating the Government for it? I suppose that the market company will feel when the time its visit has expired that its transportation expenses should be paid. I wonder how many people know that this great marble palace down here was paid for one-half by the Government of the United States?

Mr. GALLINGER. Mr. President, nobody knows that, because it is not a fact.

Mr. HEYBURN. Well, that is the kind of statements with which I was met when we were dealing with this question before; but they did not stand examination.

Mr. GALLINGER. The trouble is, if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. The trouble is that the Senator from Idaho has not made the proper investigation. The Government paid not one copper for that marble palace to which the Senator refers. The Government made a contribution toward the elimination of grade crossings in the District of Columbia, precisely what has been done by many other cities of the country.

Mr. HEYBURN. Was not money paid out of the Treasury, directly or indirectly, toward the construction of that depot?

Mr. GALLINGER. Not a copper.

Mr. HEYBURN. Not a copper?

Mr. GALLINGER. No, sir.

Mr. HEYBURN. I would ask the Senator how much money is the Government out by reason of the construction of that depot?

Mr. GALLINGER. Mr. President, I will answer the Senator from Idaho very promptly. The railroad companies were content to remain where they were, but Congress thought it very desirable to have a union station in the city of Washington. It was thought desirable to build a very expensive station—much more expensive than the present wants of the city required. That has necessitated on the part of the railroad corporations the expenditure up to the present time of more than \$25,000,000. The Government of the United States and the District of Columbia, for the purpose of eliminating grade crossings in this District, made a contribution of something like \$3,000,000, but not a copper was paid for the beautification of the city in the vicinity of the Union Station or for the construction of that building.

Mr. HEYBURN. I should like the Senator, while he is giving information, to state how much the Government paid the Pennsylvania Railroad for moving off of the Government's land at Sixth and B streets?

Mr. GALLINGER. Well, Mr. President, I will simply say that the Government and the District of Columbia, for everything connected with the removal of the Sixth Street Station, for the elimination of grade crossings, and for everything that has been done in the direction of giving us the Union Station—the finest station in the world—and the building of the tunnel and the elevating of the tracks from the north, contributed about \$3,000,000. That is all I have got to say about that.

Mr. HEYBURN. Mr. President, I think it will be developed upon an inspection of the records that the Government Treasury is out a little over \$6,000,000 in connection with the transfer from the old depot to the new one. So I think it will be found that my statement will be borne out by an examination of the facts.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. I do.

Mr. GALLINGER. I had something to do with that matter and think I am very well informed in regard to it. I shall be very much delighted, indeed, if the Senator will produce what he says are the facts, which, as a matter of fact, are pure fiction.

Mr. HEYBURN. Mr. President, it is a very convenient way to denominate a matter "fiction" when the construction upon which that conclusion is based is known only to the Senator who makes it. I was speaking, however, of the land which the Government now owns appropriately located for the purpose of erecting upon it buildings that are needed for the Government's use. It owns the land formerly occupied by the Pennsylvania Railroad by the grace of the payment of a million and a half dollars—a tip paid a parting guest. The Government owns the land upon which the Center Market stands. It owns the block lying beyond it. It owns ground enough there to erect buildings for many years to come.

Now, let us not take this thing by piecemeal and make what I may term, with a due regard for those who have introduced it, an irresponsible provision for an irresponsible building. There is neither time nor is the occasion appropriate for entering upon the construction of any such building for such a purpose. My own object in speaking upon the question at all is that I do not want a meritorious plan for the beautification of the city and the accommodation of the Government despoiled, as it has already been done in part.

Buildings have been set on Pennsylvania avenue with the corner to the street. One beautiful District building is set down in the ground until it looks like a man with his hat jammed down on his shoulders. Let us have no more of that. Let us be conservative, and let us deal with proprieties and the things that are appropriate in this matter and cut out from this bill any reference to the construction of a building. I repeat, let us now enter upon a policy that will anticipate the

growth of the Government for fifty years. Let us deal with the question as a man deals with his home. Let us have more room than we want to-day in anticipation of the necessities of some other day.

Mr. GALLINGER. Mr. President, simply a word. The Senator from Idaho is not the only Senator who is interested in the development or beautification of the city of Washington. The Senator has taken charge of this matter, it is true; but before he took charge of it there were some of the rest of us who had done something in that direction.

The Senator talks about acquiring all the land south of the Avenue. It is true that the Senate did pass a bill for that purpose. In that bill the sum of \$10,000,000 was appropriated for the purchase of that land, when every Senator who had given that matter any consideration knew that \$30,000,000 would not purchase the land.

I submit to the Senator that it will be some time in the future before the Government of the United States acquires all the land south of the Avenue. It may ultimately do so, and very likely it may be a good bargain for the Government to do it now; but the Government is not going to do it for some time to come.

I am not going to discuss the railroad question. That was discussed here before the Senator became a Member of this body; and a policy was settled upon by Congress that was considered fair and just as between the District, the Government, and the railroad corporations. It is ancient history, and it is idle to revive that controversy now.

The Senator speaks of land upon which the market building stands. Why, Mr. President, that building is there, it is true, by grace of the Government, but that company regularly makes contributions to the Public Treasury, which the Government accepts. Perhaps they are not sufficient, but the Government accepts them in good faith, and I do not think the market company ought now to be criticised because of the fact that they occupy government land.

I will say to the Senator from Idaho—and I say it upon knowledge—that when the time arrives for the company to vacate that land, under the agreement made with the Government, the company will be willing to vacate it upon the terms provided in the agreement. Hence that company should not be the subject of unfair or unkind criticism.

Now, Mr. President, recurring to the bill, my judgment is that it would be wise to accept the House provision to enlarge the present building that is now occupied by the Census Office. I think it would be an economical thing to do. I think it would answer every requirement of the Census Office in the taking of the next and the subsequent censuses; but some Senators around me do not agree to that proposition. They think it would be wise to defer the matter, and I am inclined to agree with those Senators that perhaps the best solution of the subject, so far as the present is concerned, is to strike out from the bill sections 33 and 34 and let the matter go to conference. Possibly the conferees may be able to adjust it better than we can adjust it to-day.

Mr. President, I do not think there is any occasion for heat. I do not think there is any occasion for denunciation. We are all trying to do the best we can do under the circumstances for the Government. We have got to make provision to take the next census. We can not erect an elaborate structure and have it in condition to occupy in nine or ten months, but we might be able to erect on the ground that is now occupied by the Census Office a temporary building that would answer for the time being. That is all we could do in the nine or ten months which remain.

Let us take this matter up calmly and dispassionately and solve the problem as best we can under the circumstances. As I have said before, if I had my way I would accept the House provision; but other Senators, perhaps wiser than I am, think otherwise, and if that is deemed a desirable thing I will unite with those Senators in casting my vote to amend the House provision or to eliminate from the bill all allusion to the new building and let the whole matter go to the conferees, who will have time to consider it and who will doubtless consider it more carefully and very likely more wisely than we can do to-day.

Mr. CLAPP. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. Certainly.

Mr. CLAPP. I should like to ask whether the matter would be in conference if we simply strike out the entire section? The Senator is more familiar with that than I am.

Mr. GALLINGER. It would. The conferees could then agree upon a substitute provision, and they could create a commission if they chose to do so.

Mr. CLAPP. If that is true, I am in favor of it.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I have yielded the floor; but I yield to the Senator for a question, if that is his purpose.

Mr. HEYBURN. I will not put it in the form of a question, then, if the Senator has yielded the floor. I was going to suggest to the Senator, first, that he certainly was not laboring under the impression that I had spoken in heat or passion about anything.

Mr. GALLINGER. The Senator always speaks with a great deal of zeal and earnestness, and I think sometimes with a considerable degree of heat. [Laughter.]

Mr. HEYBURN. Well, Mr. President, it is hardly an occasion on which I feel called upon to define my personal feelings; but I may say appropriately that I have never spoken in public in heat or passion during my life, though I have spoken earnestly. I do not feel called upon to defend myself at all for the manner in which I speak. I may possibly be at times called upon to defend myself for the utterance, but not for the manner of it, I trust.

Mr. President, the Senator seems to think that I should not take notice of things because they are so ancient that they occurred before I came here—something over six years ago. I was dealing with questions that have arisen since I became a Member of this body. Mistakes do not gain dignity because of age. If mistakes were made, if the Government made a bad bargain with those people, such transactions are just as much subjects of criticism to-day as the day after they were made.

The Senator from New Hampshire says I have assumed to take charge of the matter. I have assumed this far: I am, by the grace of this Senate, a member of the appropriate committee to consider these matters. I was directed by that committee to report the measure to which reference has been made. I spoke in support of it upon this floor, as I may, perhaps, do again, and the Senate stamped the measure with its approval; so I do not feel called upon to apologize because I address the Senate on this subject. I have been placed in the responsible position where it is my duty to address the Senate upon this subject whenever the question arises. As a member of the Committee on Public Buildings and Grounds, I am directed to present this matter—

Mr. SCOTT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. HEYBURN. Certainly.

Mr. SCOTT. Was not the Senator appointed by the full committee a subcommittee to take this subject up?

Mr. HEYBURN. Yes, Mr. President; I was. I am glad the chairman of the committee called attention to it. I should not have done so; but I was appointed a subcommittee by the whole Committee on Public Buildings and Grounds to present this matter to the Senate, and I am doing no more than my duty. When I see introduced or urged measures that might interfere with the policy that has been adopted by that committee, whose spokesman I happen to be, I would be doing less than my duty if I were to sit idly here and allow this policy of public improvement to be nibbled here and there until there would be no form or substance left for the committee having the responsibility to act upon. I think it is appropriate to call the attention of the Senate to the fact that the matter is under consideration by a standing committee of this body, and that it proposes to act and to submit its action to this body for ultimate determination.

Mr. President, I sincerely trust that nothing will be attempted at this time that might either mar or defeat the plan of your committee to whom has been intrusted the duty of providing appropriate building sites and an appropriate plan of public improvement.

Mr. GALLINGER. Mr. President, I regret that the Senator has felt called upon to look at me in the tone of voice that he did a moment ago [laughter].

Mr. HEYBURN. That was a dulcet tone.

Mr. GALLINGER (continuing). And to read a lecture to me on his duties and mine as Senators of the United States. The Senator does belong to the committee that has this matter in charge, and I am quite willing that that committee should perform its functions; yet some of the rest of us have had an interest in the matter that is so near the Senator's heart, and we expressed it on this floor before the honorable Senator became a Member of the Senate.

Mr. HEYBURN. Mr. President, again I must apologize for my youth.

Mr. GALLINGER. No; the Senator need not apologize for anything; the Senator is an apology in himself. [Laughter.]

Mr. HEYBURN. Mr. President, there are times—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I do not yield to the Senator now. I will give him all the time he wants after I get through.

Mr. HEYBURN. I was going to ask the Senator for a little more definite statement with regard to his last remark. I can do it, though, in my own time.

Mr. GALLINGER. The Senator will not, Mr. President, get up a heated controversy with me, because I always keep cool.

Mr. BAILEY. The Senator is never heated.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. HEYBURN. I am addressing the Chair again, and I should like a ruling as to whether I may be permitted to interrupt.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. Certainly; I yield to the Senator.

Mr. HEYBURN. I should like to inquire of the Senator just exactly what he means when he says I am an apology in myself? [Laughter.]

Mr. GALLINGER. Well, Mr. President—

Mr. HEYBURN. I am not at all inclined to have any heated controversy, nor am I inclined to submit for a moment to any innuendo from anybody anywhere.

Mr. GALLINGER. Well, Mr. President, that kind of language does not count with me at all. I will dismiss the Senator with the words of the old play, "And you, Oh, Polonius, you vex me but slightly." [Laughter.]

I will not enter into a heated or a disagreeable controversy with any Senator.

The Senator from Idaho talks about the right of the committee of which he is a member. He is correct in that; but he goes back seven or eight years to criticize a matter that was in the hands of another committee—the Committee on the District of Columbia—of which I chance to be chairman. If there is any unpleasant criticism in this controversy, it came from the Senator himself, and not from me.

I will apologize to the Senate if I have said anything in this debate that I ought not to have said; and, to my friend from Idaho, of whom I am personally very fond and whom I regard as one of the best Senators in this body, I will say that I have had no intention of being offensive to him in any way. The Senator sometimes is heated. The Senator sometimes in debate goes quite as far as I ever have gone in debate in criticizing others. I will leave the personal matter exactly there.

The Committee on the District of Columbia has had an interest in all these matters. The Committee on the District of Columbia had charge of the bill that provided for the erection of the Union Station. I believe that committee acted with great wisdom. With the exception of one or two members on the committee, who took some exception to the final conclusions, the committee was united. I think that there is very little complaint made against that committee so far as the results are concerned. We have beautified the city by building that great Union Station, and when the grounds are completed it will be the joy not only of every citizen of this District, but of every citizen of this great country who has the privilege of observing it. I do not think it is wise, seven or eight years after that legislation has become an accomplished fact, to call in question the patriotism, the wisdom, or the good sense of the committee that had in charge that great work.

It was a labor of love, a labor that involved a great deal of time and care and thought; and I hope that some time there will be an end of the criticism of the work that was then done and the appropriations made for that purpose.

I want to repeat that the city of New York, the city of Boston, the city of Detroit, the city of Wilmington, and many other cities have made contributions of a larger per cent toward the elimination of grade crossings than were made for that purpose by the Government of the United States and the District of Columbia. That is all there is to the matter, so far as the appropriations which the Senator from Idaho criticizes are concerned.

I do not care to weary the Senate in discussing the use by the railroad company of the ground on which the station has recently been pulled down stood. I think it ought to have been removed and the Mall opened up. The railroad was there, it is true, by the courtesy of the Government; but the railroad had been invited to occupy that land, and if the railroad company itself had thought of abandoning that site until provision was made for a union station, the company would have been severely condemned.

Mr. President, I do not think we ought to continue this controversy. I have no disposition to do it. I have no feeling but kindness for the Senator from Idaho, and whether or not he feels so toward me, I certainly shall continue to feel so toward him.

Mr. HEYBURN. Mr. President, I certainly have none but the kindest feelings of personal friendship and high regard for the Senator from New Hampshire. Nothing that he could say or would say could change that relation between us. Perhaps both of us sometimes, as he suggests, go pretty near the limit in our criticism of measures, not of men. When I criticize legislation that has been enacted by this body I do not criticize, and am not to be understood as criticising, the men who participated in it; but it would be intolerable that we should not criticize legislation for which no one Senator is responsible. When a matter becomes legislation every Senator is as much responsible as every other Senator.

Mr. GALLINGER. Responsible for his vote.

Mr. HEYBURN. What occurred before I came here I had no responsibility in connection with. Perhaps nearly half the Senate is new since I became a Member of it; so that responsibility is not very heavy at this time.

I have nothing further to urge in regard to this matter. I simply adhere to my statement that I think this bill should not deal with the measure at all.

Mr. LA FOLLETTE. Mr. President, this body adopted the provision for the erection of a building upon the ground adjoining the present Census building after full and thorough consideration. Whatever may be done by the Senate to-day in reference to the pending amendment, it is probable that when the matter is fully thrashed out we shall be driven to the position taken by the Senate at the last session of Congress upon this question, and if we do the wise thing for the present, it will be to provide a temporary building there to meet the exigency with which we are confronted.

Where the responsibility rests, or whether responsibility rests upon anybody for neglect in not providing a suitable building before we reached this emergency, I am not prepared to say. The Committee on the Census have nothing to do with that question, I am sure, except when charged with the responsibility of reporting with all possible haste a bill under which the next census shall be taken containing such a provision. The only reason why a substitute amendment was offered to-day for these two sections, which the Congress adopted last session, is that it might be possible to secure some location within the appropriation proposed better than that which is now occupied.

Mr. BURKETT. If it is in order, I desire to move to strike out those two sections.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the committee.

Mr. NEWLANDS. What is the question, Mr. President?

Mr. SCOTT. I think the vote now is on the amendment offered by the Senator from Connecticut to strike out sections 33 and 34.

The VICE-PRESIDENT. The committee amendments are first in order, by order of the Senate.

Mr. NEWLANDS. Mr. President, I hope the amendment offered by the committee will prevail. I sympathize with every word the Senator from Idaho [Mr. HEYBURN] has uttered regarding the need of a comprehensive plan and regarding the wisdom of providing long beforehand for our public buildings and for every public requirement, and I join with him in the condemnation, not of his committee, but of the inertia of Congress in this matter. We are all responsible for it.

But here is the situation. We are going to employ immediately between 3,000 and 4,000 people, who have to be housed in this city in the work of the census. We have to-day a property under lease, the lease of which will expire within a few months. That building, in my judgment, has always been unsuitable for the work, and yet more suitable than any building we could rent. It is absolutely necessary to add to the space at present occupied, and we must either build ourselves or get somebody else to build for us, for it is absolutely essential that this work should be concentrated. The showing of the Director of the Census is convincing upon that point. The scattering of this work over the city, as it has been customary to do with reference to many bureaus and works, would be very prejudicial to the service itself and would result in delay and a very much increased expense.

We have to take this place or else we have to authorize somebody to act for us promptly in the selection of another one, and we have to give that somebody the power and the authority to proceed immediately with the plans and the construction.

I agree to what the Senator from Minnesota said about the unwisdom of giving such extraordinary powers to a single official,

but the emergency is upon us. We can not exercise our judgment in reference to a site because that would mean delay. It would be unwise for us to create a large board, for time would be consumed in the meeting of the board. We must fix the responsibility upon some official. I should prefer to fix the responsibility upon the President himself, who can call in the Director of the Census, the Secretary of Commerce and Labor, the Secretary of the Treasury, the Supervising Architect of the Treasury; who can call in a competent architect from the outside who is accustomed to great work; who can call in a great constructor, and then settle the matter quickly. But outside of the President, certainly the Secretary of the Treasury, the official designated by this amendment, is the proper official, because in his department is the great bureau of architecture known as the "Office of the Supervising Architect," and that official is under his direction and control.

Now, what power do we give him? We give him the power of accepting this site which Congress, for lack of any better plan, approved in the bill that last passed. It gives him the power to put up a building costing \$250,000, just as Congress gave the power at the last session of Congress; but it gives him an alternative and it gives him the power to make this expenditure upon another site which may be now in the possession of the Government—for the Government owns other land, notably this site to which I have referred, an entire block, which is intended for the Hall of Records—or gives him the power, if he can do so within the appropriation, to purchase a site and put up a building.

It is to be assumed, inasmuch as Congress can not act upon these matters of judgment, that the Secretary of the Treasury will act promptly and will act wisely under all the circumstances, and it seems to me the amendment offered by the committee meets the situation.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. BULKELEY. If it is in order, I move to strike out sections 33 and 34 of the bill as amended.

The VICE-PRESIDENT. Under the order of the Senate, the committee amendments must first be disposed of. All of them have not yet been concluded. The Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The VICE-PRESIDENT. Section 7 was passed over.

Mr. LA FOLLETTE. For the committee, I am instructed to ask to recede from the amendment adopted by the committee and reported on page 2, line 14.

Mr. KEAN. Page 2?

Mr. LA FOLLETTE. As reported by your committee, the words "without examination" were recommended to be stricken out of the bill, and now the committee instructs me to recede from that proposed amendment. As we have passed that section, I ask unanimous consent to return to it.

Mr. KEAN. Section 3?

Mr. LA FOLLETTE. Section 3.

Mr. KEAN. Let it be read.

The VICE-PRESIDENT. If there be no objection, the Senate will return to section 3, and the Secretary will report the proposed action asked for by the Senator from Wisconsin.

Mr. LA FOLLETTE. Just the words "without examination."

The SECRETARY. On page 2, line 14, it was proposed to strike out the words "without examination."

The VICE-PRESIDENT. Those words were stricken out.

Mr. LA FOLLETTE. Those words were stricken out.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent to reconsider the vote by which those words were stricken out. Is there objection? No objection is heard, and it is so ordered. The question is on agreeing to the amendment.

Mr. KEAN. That is, it leaves it with those words in.

Mr. GALLINGER. "Without examination."

Mr. CUMMINS. I suggest to the chairman of the committee that there is some misapprehension with regard to the motion just made by him. As I remember the action of the committee, those words were to be stricken out and the matter was to be cared for under section 7.

Mr. LA FOLLETTE. That is the amendment which I understand is about to be submitted to the Senate—to strike out the words "without examination."

Mr. CUMMINS. Yes.

Mr. LA FOLLETTE. And when that shall have been done, I will follow it with the proposal of the other amendments of the committee which the committee authorized me to offer.

Mr. CUMMINS. I understand these words have already been stricken out. They were to be stricken out, as I remember the action of the committee.

Mr. LA FOLLETTE. The pending proposition is to restore those words.

The VICE-PRESIDENT. The vote striking out those words has already been reconsidered by the Senate.

Mr. LA FOLLETTE. It has been reconsidered by the Senate.

Mr. SMITH of Michigan. I should like to ask the Senator from Wisconsin whether he thinks by restoring these words we will facilitate the work of taking the census?

Mr. LA FOLLETTE. Those words were stricken out by inadvertence by the committee. It was simply to make that correction, in order to perfect the section, that I offered the motion.

Mr. SMITH of Michigan. I did not understand that it was by inadvertence. I was prompted to make the inquiry because the Civil Service Commission have been so driven with the additional work put upon them that I have been in very serious doubt whether we could take the census at all next year if we left the preliminary arrangements for that purpose entirely with the Civil Service Commission. I thought perhaps it might facilitate the work of taking the census to follow the lead of the committee.

Mr. LA FOLLETTE. It was not intended by the committee that they should be stricken out.

Mr. SMITH of Michigan. For instance, I understand that the order requiring examinations for fourth-class postmasters, which put them into the classified service last November, and which was supposed to go into effect on the 15th of February, has as a matter of fact gone into effect, but the Civil Service Commission are so driven with work that not a single vacancy has been filled in fourth-class post-offices since the matter was left to the commission.

If by allowing these appointments to be made without a civil-service examination we will facilitate the taking of the census and eliminate entirely the question of party spoils, I shall make no objection. If I thought it operated otherwise, I should certainly object.

Mr. CUMMINS. Mr. President, I do not think it was the purpose of the committee to leave these officers, save the assistant director and the private secretary, without examination.

Mr. LA FOLLETTE. Without examination by the Civil Service Commission, if I understood the action of the committee.

Mr. CUMMINS. I may be permitted to remind the chairman of the committee that it was the sense of the committee, as I understood, in the amendment recommended by the committee that all the officers named in section 3, with the exception of the assistant director and the private secretary, should be included in the special-test examination provided for in section 7, which examination is to be conducted by the Civil Service Commission, but the test or rules are to be prescribed by the Director of the Census.

Mr. LA FOLLETTE. The test is to be prescribed by the Director of the Census. The Civil Service Commission is formally to conduct the examination.

Mr. CUMMINS. And therefore the words "without examination" should be stricken, in section—

Mr. LA FOLLETTE. In section 3.

Mr. CUMMINS (continuing). In section 3, and should be inserted, as I remember, in section 7, so that section 7 would read:

SEC. 7. That the additional clerks and other employees provided for in sections 3 and 6, excepting the assistant director and the private secretary, shall be subject to such special-test examination, etc.

Therefore, as it seems to me, the words "without examination" should remain stricken out of section 3.

Mr. LA FOLLETTE. That is the action which I understand is before the Senate.

Mr. SCOTT. Mr. President, as far as I am personally concerned, I would hope that the whole matter would go out, and that Representatives and Senators should be given the privilege to name good clerks to do this work. It was my portion to serve as Commissioner of Internal Revenue when the Dingley bill was put into force under the McKinley administration. It had to be put in force, as I recollect now, within sixteen days after its passage. There were a number of clerks to be appointed—I should say a thousand—all over the United States. It was left to the Commissioner of Internal Revenue. I asked Representatives and Senators to name to me clerks whom they thought would be suitable for those positions, assuring them that their recommendations would be given consideration, and that at the expiration of a temporary appointment of sixty days I reserved the right to dismiss them and have others selected.

I desire to say, Mr. President, that in my experience with those hundreds of clerks who were recommended by Representatives and Senators, not one of them did I have to dismiss. After a temporary appointment they were put on regularly.

Hundreds of those clerks since have been put under the classified service; and I say here, without fear of successful contradiction, that some of the best clerks in the Internal-Revenue Service of this country are persons who were recommended by Senators and Representatives for the positions they hold to-day.

Mr. President, in my experience as commissioner but once did I ask for a certification from the Civil Service Commission. I had certified to me a man who passed 99 per cent on his examination. He was assigned to a position in the Revenue Service in Philadelphia, and in a very short time he had to be dismissed for dishonesty; and we found that he had occupied a cell in a penitentiary previous to his taking the examination. Yet he passed at 99 per cent. I do not want it understood that I desire to turn back the hands of the clock, but I do believe if you will permit the Senators and Representatives of the United States, upon their honor and their dignity and their word, to name persons, they will name men and women suitable to do this work, and that you will get better clerks, more efficient clerks, clerks that will work more hours, than by going to the Civil Service Commission and having them certify persons to fill these places.

Mr. President, I am opposed to having them examined by the Civil Service Commission at all. Let the Director of the Census, Mr. North, if he is to be the director, prepare an examination and put the clerks who are recommended by Senators and Representatives through the test that he prescribes, giving to the old war veterans of 1861-1865 an advantage of 5 or 10 per cent, say, in their examination, and the Spanish-American war veterans 5 per cent. Let the director designate the line of examination, and let him be the judge as to who are the people that can best serve him in the work in producing the results we all desire.

Mr. President, I have stated my position. I doubt whether there is anybody who will agree with me, but I freely and frankly put myself on record that, in my judgment, this is the surest way to get the best results.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry. I understand, if the motion of the chairman of the committee prevails, it will have the effect of restoring the House provision.

The VICE-PRESIDENT. Restoring the two words.

Mr. CLARK of Wyoming. "Without examination?"

The VICE-PRESIDENT. "Without examination."

Mr. CLARK of Wyoming. I would ask if that is the understanding of the chairman of the committee, if his motion prevails it will be to restore the House provision, so that the two words, "without examination," will remain in the bill?

Mr. LA FOLLETTE. It is brought to my attention by another member of the committee that, while in the first place it was agreed by the committee to recede from the committee amendment striking out the words "without examination," in section 3, another amendment subsequently agreed to in section 7 requires that the amendment as reported be adhered to. The committee did not formally rescind its action in agreeing to recede from the former amendment, and, in the haste in which we proceeded, I had not noted that such was the effect of the subsequent amendment in section 7. The effect, therefore, of the committee amendments in sections 3 and 7 is to strike out all of section 3 after the word "division," in line 10, except the words—

These officers shall be appointed by the Director of the Census.

Mr. NEWLANDS. What page?

Mr. LA FOLLETTE. Page 2.

Mr. SCOTT. I ask the Senator in charge of the bill whether his amendment strikes out the words that have been stricken out in lines 14 and 15, page 2, or whether it restores them?

Mr. LA FOLLETTE. It strikes out those words and some other words additional to those words, leaving the section in that portion of it to read as follows:

These officers shall be appointed by the Director of the Census.

Mr. BACON. If I understand that—

Mr. LA FOLLETTE. That is to be stricken out; that is, if the action of the committee is to be adopted, and it is to be followed—

Mr. SCOTT. By what?

Mr. LA FOLLETTE. By a committee amendment to section 7, as soon as this is disposed of.

Mr. BACON. If I understand the meaning of the Senator from Wisconsin, if there is nothing prescribed with reference to the examination, it necessarily implies that the director has the power without examination. Therefore it is not necessary to specify. Am I correct?

Mr. LA FOLLETTE. I will say to the Senator from Georgia, it is proposed to follow that amendment with another which

will provide for an examination, to be prescribed by the Director of the Census, for all these officers excepting the assistant director and the private secretary.

Mr. CLAY. The Senator desires to amend section 7, as I understand, so that not only the employees mentioned in section 7 shall stand the examination, but that the special employees of the director mentioned in section 3 shall stand the examination, except the Assistant Director of the Census.

Mr. LA FOLLETTE. The assistant director and the private secretary of the director.

Mr. CLAY. Section 3 provides for—

An assistant director, who shall be an experienced, practical statistician; a geographer; a chief statistician, who shall be a person of known and tried experience in statistical work; an appointment clerk, a private secretary to the director, two stenographers, and 8 expert chiefs of division.

Does the Senator think that those employees of the census ought to be under the Civil Service Commission?

Mr. LA FOLLETTE. This does not put them under the Civil Service Commission.

Mr. CLAY. If you amend section 7, as you say you will, it will place them under the Civil Service Commission.

Mr. LA FOLLETTE. It will require that they be examined by the Civil Service Commission, but the test will be fixed by the Director of the Census.

Mr. CLAY. Then, if I understand the Senator, under the provisions of this bill every single employee in the census work, including messengers and charwomen and higher employees, except the assistant director, will be under the Civil Service Commission and be appointed after having stood the examination.

Mr. LA FOLLETTE. After having passed an examination conducted by the Civil Service Commission, the examination having been prescribed by the Director of the Census.

Mr. CLAY. Then, this will not apply to the enumerators appointed by the supervisors in the different districts?

Mr. LA FOLLETTE. No; nor to the supervisors, nor to the special agents.

Mr. CLAY. If applied to the enumerators, I doubt if we would ever get the census taken.

Mr. CARTER. Mr. President, there seems to be some confusion in the minds of Senators as to the exact condition of the amendments proposed to section 3 and likewise to section 7. Permit me to say that these amendments are interdependent. The committee, in the course of the consideration of section 3, first struck out the words "without examination." It was thereupon suggested, at a later hour, that striking out those words in the text of the section left the officers referred to subject to the general civil-service examination. Desiring to avoid that as to those particular officers who constitute the executive staff of the director, in whose selection qualifications of an executive and technical character both must be considered, it was concluded that the words stricken out, thus referring the matter to the Civil Service Commission, should be restored, or that motion reconsidered, and as the chairman of the committee suggests, on a motion made by me, the action of the committee in that behalf was reconsidered.

At a later moment, however, in the deliberations, which were, as the chairman suggests, quite hastily conducted, owing to the short time at disposal, it was concluded that these officers should be made subject to the examination conducted on test questions prepared by the director, as provided in section 7.

Hence, in striking out the words "without examination," as the committee originally did, to prevent those officers from going into the general classified service, it was provided that the provisions of section 7 in reference to test examinations should likewise apply to the officers named in section 3. So, as the text amended originally by the committee stands, the words "without examination" are stricken out, and those officers are to be subject to the test examination provided in section 7. If the amendment agreed to originally by the committee as to section 3 is adopted, it will be necessary, then, to adopt the amendment in section 7 to prevent the general civil-service law from applying to section 3.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. The Chair will ask the Secretary to read the amendment again, if there be no objection.

The SECRETARY. As now modified, in section 3, page 2, line 13, after the word "officers," strike out the comma and all of the section down to and including the word "recommendation," in line 15, and insert "shall be appointed by," so that if amended the clause will read:

These officers shall be appointed by the Director of the Census.

Mr. DU PONT. I should like to ask the chairman of the committee if this amendment will not require the assistant director to be appointed by the Director of the Census?

Mr. LA FOLLETTE. The assistant director will then be appointed by the Director of the Census.

Mr. DU PONT. Is that the intention?

Mr. LA FOLLETTE. It is believed by the committee that the appointment should be given to the Director. It is a highly technical place.

Mr. DU PONT. That is the intention of the committee?

Mr. LA FOLLETTE. That was the intention of the committee. I ask unanimous consent to withdraw the previous amendment.

The VICE-PRESIDENT. The Chair understands that the amendment first offered by the Senator from Wisconsin was withdrawn.

Mr. LA FOLLETTE. Yes.

The VICE-PRESIDENT. Thereafter the Senator offered the amendment which the Secretary has just read, and the pending question is on the adoption of the amendment.

Mr. GALLINGER. Mr. President, before the amendment is voted on I wish to ask the Senator from Montana if I understood him to say that if the words "without examination" were stricken out, under some subsequent section there would be an examination provided for the 14 or 15 different employees designated in section 3.

Mr. CARTER. In section 7 it is provided "that the additional clerks and other employees" and so forth, "shall be subject to such special test examination as the Director of the Census may prescribe."

Mr. GALLINGER. That applies to those provided for in section 6.

Mr. CARTER. It does not include section 3. It is proposed to amend by adding section 3, so that all shall be included.

Mr. GALLINGER. That is satisfactory. I think all should be included.

The VICE-PRESIDENT. The Secretary will again read the pending amendment, because it is apparently misunderstood.

Mr. KEAN. I desire to know what words are stricken out in section 3.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. In section 3, page 2, line 13, after the word "officers," strike out the comma and the remainder of the section and insert the words "shall be appointed by the Director of the Census."

Mr. KEAN. Does that strike out lines 16 and 17?

The VICE-PRESIDENT. It does.

Mr. KEAN. It strikes out the provision that the assistant director shall be appointed by the President, by and with the advice and consent of the Senate.

The VICE-PRESIDENT. The assistant director is then to be appointed by the Director of the Census, as the Chair understands the amendment.

Mr. LA FOLLETTE. That is the purpose of the amendment.

Mr. KEAN. I think we ought to have some explanation of it.

Mr. SCOTT. Why will not the Senator in charge of the bill, the chairman of the committee, read us the bill as it will appear as he wants to have it amended? Let it be read clear through; then we can properly understand what we are voting on.

Mr. LA FOLLETTE. Does the Senator from West Virginia refer merely to the proposed amendment of this section?

Mr. SCOTT. I want to have the Senator explain the amendment in section 3, and then what it will provide further on, in section 7—what the bill will contain when we pass it, if we do pass it.

Mr. LA FOLLETTE. I think that is a pertinent inquiry, because those two amendments have reference to each other and ought to be considered together, perhaps.

After the word "division" at the end of line 12, in section 3, strike out the balance of the section and insert the following:

These officers shall be appointed by the Director of the Census.

That is the proposed amendment as to section 3. When that is disposed of, if the amendment is adopted, I am directed by the committee to move to amend section 7 by adding after the word "employees," in line 22, on page 4, the following:

Except the assistant director and the private secretary to the director.

And inserting before the word "six," in line 25, the words "three and," so that the first four lines of that section will read as follows:

SEC. 7. That the additional clerks and other employees, except the assistant director and the private secretary to the director, provided for in sections 3 and 6, shall be subject to such special test examination as the Director of the Census may prescribe.

Mr. DU PONT. I should like to ask the Senator in charge of the bill whether it is intended to put under civil-service regulations the unskilled laborers and charwomen and all that class of people? If so, that is a new departure, as the Senator knows, in the service of the Government.

Mr. LA FOLLETTE. By the action of the committee those words were stricken out of the bill as reported—that is, the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen." That would subject such employees as are designated in those two lines to a test examination, to be prescribed by the Director of the Census.

Mr. SMITH of Michigan. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. I do.

Mr. SMITH of Michigan. The act providing for the last census left the appointment of assistant director with the President, and fixed qualifications for that officer, that he should be a statistician of some reputation. Is it the desire of the Senator from Wisconsin to leave this appointment solely with the Director of the Census?

Mr. LA FOLLETTE. It was believed by the committee, after considering the matter, that, in view of the character of the work and the highly technical qualifications required by the assistant director, he should be a skilled statistician; that it would be best for the service to permit the Director of the Census to make the selection of that officer himself.

Mr. SMITH of Michigan. But the bill presented by the Senator from Wisconsin fixes no special qualifications for the assistant director.

Mr. GALLINGER. It does on page 2, line 8. It provides that he shall be an experienced statistician.

Mr. LA FOLLETTE. In lines 8 and 9 of section 3, as reported by the committee, that official is required to be an experienced, practical statistician.

Mr. SMITH of Michigan. That is practically the language of the last act.

Mr. LA FOLLETTE. Yes; I think it is the same language as that of the last act.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin to section 3.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from Wisconsin now offers an amendment to section 7, which will be read.

Mr. RAYNER. I should like to ask the chairman of the committee what appointments the Director of the Census is to make under the bill?

Mr. LA FOLLETTE. They are enumerated in section 3, in section 7, in the section with reference to supervisors and enumerators, and in the section with reference to special agents.

Mr. RAYNER. When the time comes I want to give the Senate a case which shows that the Director of the Census can not make the appointment; that it must be made by the head of a department. I am quite sure the Senator does not want to have the bill pass with a provision in violation of law. Some of these appointments can not be made. I will give the Senator the case in a few moments.

Mr. LA FOLLETTE. After the bill has been perfected in accordance with the recommendations of the committee or the committee amendments have been submitted and are passed upon by the Senate, the Senator from Maryland will have an opportunity to present the case to which he refers.

With reference to section 7, I am directed by the committee to offer an amendment. After the word "employees," on page 4, line 22, in section 7, I move to insert the words:

Except the assistant director and the private secretary to the director.

And to add the letter "s" after the word "section," the last word in line 24, making it read "sections;" and to insert before the word "six," where it occurs in line 25, the words "three and."

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Wisconsin.

The SECRETARY. In section 7, on page 4, line 22, after the word "employees," strike out the comma and the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen" and insert "except the assistant director and the private secretary to the director."

Mr. LA FOLLETTE. That is not the amendment as I submitted it. The words "except messengers, assistant messengers, messenger boys," and so forth, were stricken out, as reported in the bill.

The VICE-PRESIDENT. Section 7 has not been acted upon at all as yet.

Mr. LA FOLLETTE. That is true. It was not acted upon when we went over the bill the first time.

Mr. CUMMINS. I suggest to the chairman of the committee that in our hurry this morning we omitted one word that ought to be inserted after the word "additional," in the first line, namely, the word "officers," so as to read:

That the additional officers, clerks, and other employees.

Employees are termed "officers" under section 3.

Mr. BAILEY. If they are officers, then the suggestion that the Senator from Maryland [Mr. RAYNER] has just made will create no end of trouble. If they are employees as contradistinguished from officers, then their appointment can be lodged with the Director of the Census. If they are officers within the meaning of the Constitution, the suggestion—

Mr. CUMMINS. They are termed "officers" in section 3. I am perfectly willing to make them employees.

Mr. BAILEY. I thought section 3 described them as "employees."

Mr. LA FOLLETTE. No; in line 13, on page 2, the Senator from Texas will see the second word in the line describes them as "officers." That is the form in which the House passed the bill and in which we considered it in committee. Perhaps the word "officers" should be changed to "employees."

Mr. RAYNER. By changing the word you can not change the character of officers. The change of a word does not make any difference.

Mr. BAILEY. Yes; it might make a very radical difference. If you describe a man as an "officer" you then express the view and the purpose of Congress as to his character. You can not cheat the Constitution by a change of nomenclature. Surely if you designate a man as an "officer" that is an expression of congressional purpose. I did not notice what the Senator calls my attention to. I only noticed that in lines 4 and 5 the language is, "there may be employed in the Census Office," and the verb "employed" is, of course, equivalent in meaning to the noun "employee." An employee is not an officer. That has been uniformly held.

Mr. LA FOLLETTE. The Senator from Texas will observe that in line 5 of section 3 reference is made to them as "employees"—that "there may be employed in the Census Office," and so forth—and then they are afterwards designated in line 13, "officers."

Mr. BAILEY. I discovered that.

Mr. LA FOLLETTE. If "officers" is changed to "employees" in line 13, it will harmonize with the designation in line 5.

Mr. BAILEY. I wish to say that as to the assistant director I think it reasonably certain that he is an officer. He is the man who in the absence of the director would have charge of the bureau. I hardly think an officer in charge of a bureau can fairly be described as an "employee." I suggest to the Senator that he had better look at that point.

Mr. CUMMINS. If the chairman of the committee will withhold the amendment to section 7 a moment, I move to strike out the word "officers" in line 13 on page 2, and to insert the word "employees."

The VICE-PRESIDENT. No other amendments are in order until the committee amendments are disposed of.

Mr. CUMMINS. Possibly the Senator from Wisconsin will adopt this as a committee amendment.

Mr. LA FOLLETTE. If I have the authority to do it and I have the floor to do it, I will offer it myself.

The VICE-PRESIDENT. Anybody has authority to offer it after the committee amendments are disposed of. Under the rule the Senate has adopted committee amendments must first be disposed of before other amendments are in order.

Mr. CUMMINS. Very well; I will let it go.

Mr. RAYNER. Mr. President, it might be out of order, but I think perhaps it will avoid some confusion if I give the Senate this case. I do not think we can vest the appointment of the assistant in the director, and while perfecting amendments you might look at this defect. If any of the appointees under the bill are officers of the United States, no matter what you call them, you can not confer upon the Director of the Census the right to appoint them. That question has been definitely passed upon, I think, by the Supreme Court. I give the Senate the case of the United States against Germaine, in Ninety-ninth United States Reports, page 508.

The defendant was appointed by the Commissioner of Pensions to act as surgeon, under the act of March 3, 1873. Here is the act:

That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the periodical examination of pensioners which are or may be required by law, etc.

I will not read the whole of the act.

Here is the opinion:

He was indicted in the district of Maine for extortion in taking fees from pensioners to which he was not entitled.

The indictment being remitted into the circuit court, the judges of that court have certified a division of opinion upon the questions whether such appointment made defendant an officer of the United States within the meaning of the above act, and whether upon demurrer to the indictment judgment should be rendered for the United States or for defendant.

The counsel for defendant insists that Article II, section 2, of the Constitution, prescribing how officers of the United States shall be appointed, is decisive of the case before us. It declares that "the President shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of departments."

The argument is that provision is here made for the appointment of all officers of the United States, and that defendant, not being appointed in either of the modes here mentioned, is not an officer, though he may be an agent or employee working for the Government and paid by it, as nine-tenths of the persons rendering service to the Government undoubtedly are, without thereby becoming its officers.

The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when offices became numerous and sudden removals necessary, this mode might be inconvenient, it was provided that, in regard to officers inferior to those specially mentioned, Congress might, by law, vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt. This Constitution is the supreme law of the land, and no act of Congress is of any validity which does not rest on authority conferred by that instrument. It is, therefore, not to be supposed that Congress, when enacting a criminal law for the punishment of officers of the United States, intended to punish anyone not appointed in one of those modes. If the punishment were designed for others than officers, as defined by the Constitution, words to that effect would be used, as servant, agent, person in the service or employment of the Government; and this has been done where it was so intended, as in the sixteenth section of the act of 1846, concerning embezzlement, by which any officer or agent of the United States, and all persons participating in the act, are made liable. (9 Stat., 59.)

As the defendant here was not appointed by the President or by a court of law, it remains to inquire if the Commissioner of Pensions, by whom he was appointed, is the head of a department within the meaning of the Constitution, as is argued by the counsel for plaintiffs.

That instrument was intended to inaugurate a new system of government, and the departments to which it referred were not then in existence.

And so on.

The word "department" in both these instances clearly means the same thing, and the principal officer in the one case is the equivalent of the head of department in the other.

If we look to the nature of defendant's employment, we think it equally clear that he is not an officer. In that case the court said the term embraces the idea of tenure, duration, emolument, and duties, etc.

He was but an agent, and therefore they held that he was not liable. If there is any appointment here of an officer of the United States, you have no right to vest that appointment in the director. That is my suggestion. If he is an agent, there is no trouble. If he is an officer, you must follow the Constitution. What are the assistant director and chief statistician?

Mr. BACON. If the Senator will pardon me, I want to see if I correctly understand the case he has just read. As I understand the case, there was an indictment against one who was known as a civil servant, and he was indicted under a statute which made it an offense for an officer of the United States to do certain things. The defense is put in that he is not an officer, and the Supreme Court sustained that position upon the ground that he was not the appointee either of the President or of a court of law or the head of a department, and that therefore he was not amenable to the law which is directed against officers.

But there is nothing in that decision which involves the appointment, as it was made under the statute by the Commissioner of Pensions. The court does not say that his appointment is not valid; it simply says that the appointment did not make him an officer. Therefore, I suggest that by a proper construction of that decision of the Supreme Court it is within the competency of Congress to provide for the appointment of such a person as those who are enumerated in this section, and under the section they do not become officers.

Mr. RAYNER. Which section is the Senator speaking of?

Mr. BACON. Section 3. If the Senator will pardon me a moment, I was going on to state that when I say they do not become officers I mean they do not necessarily become officers; and I think the whole difficulty is cured by simply taking out the improper nomenclature which designates them as officers. One of them, the assistant director, is an officer and is intended to be an officer, but by simply taking out the words that designate these men as officers it seems to me the whole difficulty is cured. There are a class which you can properly have classi-

fied under the term "employees"—the geographers and other men who are to perform certain specific duties, and are not men vested with discretionary power such as is necessarily devolved upon those who are properly called "officers."

Mr. RAYNER. Mr. President, I think the assistant director is an officer of the United States.

Mr. BAILEY. I myself think—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. Certainly.

Mr. BAILEY. I myself think that he could fairly be considered as an officer. I did not know that the change had been made in the bill, and I myself suggested to the chairman of the committee that that probably would be held the construction; but the other employees are not officers and ought not to be considered such. My understanding—and I do not say that it is accurate—but my understanding is that the difference between an officer and an employee is that an officer must be commissioned.

Whoever is commissioned by the President, no matter how appointed, whether by a court of law or the head of a department or the President alone, or the President by and with the advice and consent of the Senate, if he is an officer of the United States he is so commissioned; but in the case of employees they are not commissioned and can not fairly be considered officers within that clause of the Constitution.

I am not so sure about the assistant director, for the reason that the director's position is an office so created and so recognized. Now, you appoint an assistant who is, as it were, a vice-director and in the absence of the director performs the duties of the director. If he is not an officer, I am not quite able to comprehend how he could perform the duties.

I think perhaps in that respect the Senator from Maryland has made a very useful suggestion, and I think it very much safer for the committee to take that into consideration. I think the suggestion that the Senator from Iowa [Mr. CUMMINS] makes to strike out when we get to it the words "officers" and insert "employees," relieves the bill of any construction that Congress intended to provide for officers instead of employees.

Mr. RAYNER. Mr. President—

Mr. SCOTT. May I ask the Senator in charge of the bill—

Mr. RAYNER. I think I have the floor.

The VICE-PRESIDENT. The Senator from Maryland is entitled to the floor. Does the Senator yield?

Mr. RAYNER. I desire first to finish what I have to say, and that is that the question whether a government employee is an officer or a servant or an agent is a very narrow question, and therefore I cited this case. Is not the chief statistician of this bureau an officer of the United States? He is not a clerk; he is not an agent. We are all well aware of the fact that agents and clerks are not officers, just as a surgeon was held, in the case to which I have referred, to be not an officer. If the chief statistician is not an officer of the United States, what is he? It is a very narrow question. I would not pretend to pass upon the question of whether he is an officer of the United States or not, but I do think the Assistant Director of the Census is an officer of the United States; that is certain. Why leave it in any doubt? Why give the appointment of an officer of the United States, if he is an officer, to the Director of the Census instead of putting it where the Constitution puts it—in the hands of the President—so that there can be no doubt about it? Why take any chance about making an invalid and unconstitutional appointment? I submit that just as a proposition to be considered.

Mr. BAILEY. Mr. President, that argument might have been made with reference to the very law which the Senator from Maryland has read. He might have contended then that the appointment of a surgeon was an appointment of an officer; but I think if the appointment had been made of a surgeon of the army probably he would have been a military officer, and then he could not have been appointed by the head of the bureau. But he was appointed to perform a certain service connected with that bureau, and I think it was competent to vest his appointment in the head of that bureau, inasmuch as he was to be a mere employee within it. The same suggestion might have been made in that case. Why leave that open? The Senator from Maryland knows that the President, if he is required to make these appointments, is under some obligation to know something as to the character and capacity of the appointee; and therefore if he is not to be required to so inform himself, he ought not be required to make the appointment; but as the employees under this bill are to perform their duties immediately under the supervision and control of the director, I think he ought to appoint them wherever he would be permitted under the Constitution to do so; and of course I think

he ought to be permitted to appoint them without an examination.

One of the grotesque absurdities of this age is to require a charwoman to stand a civil-service examination. I shall have something to say about that when we reach the next section—section 7—of the bill. I despair, however, of being able to impress the Senate, seeing that the distinguished Senator from Michigan [Mr. SMITH], who has heretofore been such a sturdy advocate of partisanship, has now joined with the civil service and other reformers.

I suppose the Senator from West Virginia [Mr. SCOTT], whose practical experience guides him, and who follows his theories, and myself are perhaps to be the only ones left to lift a discordant note against this modern piece of hypocrisy, commonly known as the "civil service."

Mr. BACON. Why should the Senator be so despairing, when the Senate upon a yea-and-nay vote, when this bill was before it, voted directly in accordance with the sentiments now expressed by the Senator? It seems to me that he should be inspired with some little remnant of hope, in view of that recollection.

Mr. BAILEY. But if the Senator from Georgia had not been so much occupied with other things, such as the tariff and other matters, he would have discovered the marvelous conversion which was wrought by the veto message of the late President of the United States. He stigmatized Senators as professional politicians, and they are about to justify his description of them by accepting it meekly and passing under his rod.

Mr. BACON. The only thing I am objecting to, Mr. President, is that the Senator from Texas should assume himself and the Senator from West Virginia to be the only ones of consistency of purpose.

Mr. BAILEY. I thank the Senator from Georgia—

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. Just a moment, while I correct myself and thank the Senator from Georgia for calling my attention to it. I hope we are to have others to join in opposition to this policy. I know that there are other Senators who agree with me and who can give even better reasons for the faith that is in them than I can, but I was at liberty, or at least I felt at liberty, only to classify myself and the Senator from West Virginia, who had already classified himself. I am gratified, however, to know that the Senator from Georgia, for whose judgment and for whose patriotism I have as much respect, and in whose Democracy I have as much confidence as I have for anybody's, is also of the same persuasion. I undertake to say, Mr. President, that a great many Senators have changed their positions on this question without having changed their minds. [Laughter.]

Mr. SCOTT. Mr. President, I am always delighted to hear the Senator from Texas, especially on this occasion, when he agrees with my views. Necessarily he must be correct in his views this time. [Laughter.]

Now, Mr. President, I want to go back. When I was Commissioner of Internal Revenue—and in what I am about to say I want to acquit the gentlemen who are now members of the Civil Service Commission of any responsibility, for not one of them was a commissioner at the time to which I refer—when, as the head of the greatest bureau, as I believe, of this Government—the Bureau of Internal Revenue, which collects more money to defray the expense of the Government than any other—I refused to recognize the Civil Service Commission in the appointment of storekeepers and gaugers and some other officers, what was the proposition of the then chairman of that commission to me? He came in person and told me that if I would send him the names of three gentlemen whom I wanted appointed and indicate that the first name was the man whom I wanted appointed, the commission would certify him back to me, if I would ask for the certification of the Civil Service Commission. I would not do it. That is the system we are laboring under to-day. It is just as the Senator from Texas [Mr. BAILEY] says—nothing but hypocrisy and deceit. The people of this country are being fooled. That is the whole secret of it, Mr. President.

If we had a civil service that meant civil service—that is, civil service pure and simple—I would favor it; but when there can be an order issued relieving one man from the operation of the law, or restoring another man in spite of the law, then I say that we have no use for that kind of a civil service.

Mr. President, I am not reflecting on the present Commissioners of the Civil Service, for I have had nothing to do with them at all; but I assert, without fear of contradiction, that such was the condition when I was Commissioner of Internal

Revenue, and such was the proposition made to me by the president of the commission at that time. While I am on my feet I want to ask the chairman in charge of this bill if he desires to eliminate the words beginning in line 16, in section 3? If I understand correctly, the words "the assistant director shall be appointed by the President, by and with the advice and consent of the Senate," have been stricken out. Do I understand that the Senator has had that sentence stricken out in that section?

Mr. LA FOLLETTE. That has been stricken out, I will say to the Senator.

Mr. SCOTT. I shall oppose that with all the vim that I have got when the time comes.

Mr. LA FOLLETTE. I think, in view of the decision that has been presented here and the views of Senators that it should be restored to the bill, and that the assistant director should be appointed by the President, I ask unanimous consent to perfect section 3 in that way.

Mr. SCOTT. By restoring those lines.

The VICE-PRESIDENT. Does the Senator from Wisconsin make that request now? Does he withdraw the other amendment?

Mr. LA FOLLETTE. I withdraw the other amendment for the time being.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws the other amendment and asks unanimous consent to return to section 3. Is there objection? The Chair hears none.

Mr. LA FOLLETTE. On behalf of the committee, I move to reconsider the vote by which the amendment in lines 13, 14, 15, 16, 17, and 18 in section 3, page 2, was adopted.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the Senate reconsider the vote by which the amendment in lines 13 to 18, inclusive, was adopted. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. LA FOLLETTE. Now I move to amend by striking out, in line 13, after the word "These," the word "officers," and inserting in lieu thereof the word "employees."

Mr. BACON. I want to suggest to the Senator, that will not be sufficient. In view of the change it would be somewhat inconsistent. You would have to strike out more than that, if my view is correct.

Mr. LA FOLLETTE. I expect to follow that—

Mr. BACON. I was going to suggest to the Senator that striking out the word "officers" would be equivalent to striking out the entire line after the word "these." Inserting the word "employees" would be inconsistent in view of the words which follow. The point to which I direct the attention of the Senator is this.

Mr. LA FOLLETTE. I see it.

Mr. BACON. That he makes a distinction between the officers. The assistant director is not an employee, and therefore to say "These employees, with the exception of the assistant director," would not be right.

Mr. LA FOLLETTE. I think those words should go out with the word "officers." I modify the amendment in that respect.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, line 13, after the word "These," it is proposed to strike out "officers, with the exception of the assistant director," and to insert "employees;" in line 14, after the word "appointed," to strike out "without examination;" and after the word "by," in the same line, to strike out "the Secretary of Commerce and Labor upon the recommendation of."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GALLINGER. Let the amendment be read as it would read if amended.

The VICE-PRESIDENT. Without objection, the Secretary will read the provision as it will appear after the amendment is agreed to.

The Secretary read as follows:

These employees shall be appointed by the Director of the Census. The assistant director shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. GALLINGER. I will call the Senator's attention to the fact that in line 8 the words "assistant director" occur, and yet it is now proposed to say "These employees," which includes the assistant director. I think if the Senator will drop the word "These" and say "Employees shall be appointed" that it will meet the requirements of the case.

Mr. LA FOLLETTE. The word "These" would only refer to such as were employees and would embrace those that go before.

Mr. GALLINGER. It does embrace the assistant director necessarily.

Mr. LA FOLLETTE. It does not if he is an officer as distinguished from an employee.

Mr. GALLINGER. But you have got him in the list of employees. That is the trouble. However, I do not care anything about it. Let it go. The conferees will fix that.

The VICE-PRESIDENT. The question is on agreeing to the amendment as read by the Secretary.

The amendment was agreed to.

The VICE-PRESIDENT. Section 7 was passed over. Does the Senator from Wisconsin desire to renew the amendment which he offered?

Mr. LA FOLLETTE. I do.

The VICE-PRESIDENT. The Secretary will state the amendment heretofore offered and now again offered by the Senator from Wisconsin.

The SECRETARY. In section 7, on page 4, line 22, after the word "employees," it is proposed to strike out the comma and the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen" and insert "except the assistant director and the private secretary to the director."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, the original so-called "civil-service act" of 1883 placed the clerical force of the departments under that law, with which I find no fault. Since then great extensions of the law have been made, the Executive extending the law from time to time by orders, so that now almost every class of employees has been gathered into the classified service; but, if I am correctly informed, or if my recollection is correct, I think it has never gone to the extent of including unskilled laborers, messengers, and charwomen. I will ask the chairman of the committee if I am correct upon that point?

Mr. LA FOLLETTE. The Senator is mistaken. As I am informed, all the employees designated in the words proposed to be stricken out are within the civil service at the present time.

Mr. GALLINGER. Are charwomen?

Mr. LA FOLLETTE. They are.

Mr. GALLINGER. What is the form of examination for charwomen, I will ask the Senator, if he can tell me?

Mr. LA FOLLETTE. They are examined, in the first place, with respect to their ability to do that work. They are tested with respect to the conditions of their health. They are required to do some—

Mr. GALLINGER. Scrubbing? [Laughter.]

Mr. LA FOLLETTE. I think some strength test is applied. The examination is one, Mr. President, which is intended to, and I believe does, test their fitness to do the particular work for which they are examined.

Mr. SMITH of Michigan. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. I will yield to the Senator.

Mr. SMITH of Michigan. If the Senator from New Hampshire will pardon me, I was going to suggest that I understand they have a "knee action" that is very accurate and very essential to that work. [Laughter.]

Mr. LA FOLLETTE. Mr. President, I know nothing about that. The Senator from Michigan is better informed than I am upon the details of the examination.

Mr. SMITH of Michigan. A knee-action test works very well.

Mr. GALLINGER. I recollect the fact—

Mr. LA FOLLETTE. I would suggest, if the Senator will permit me, that the examination which is proposed here is not necessarily the examination which the civil service now applies to positions of this character, because the Director of the Census will prescribe the examination in this case.

Mr. GALLINGER. Why not have the Director of the Census settle the matter? Why is it necessary for the Director of the Census to formulate a certain examination and send that up to the Civil Service Commission and have them use up their valuable time in making the examination?

Mr. LA FOLLETTE. I suppose the reason for framing the bill by the House committee in that form was that the Civil Service Commission is equipped to conduct such examinations and have a force to expedite the business and carry it out. The Census Office is not provided in any such way.

Mr. GALLINGER. But the House did not formulate the bill in that way. The House exempted the classes mentioned which the Senator now proposes to strike out, and removed the excepted classes from the examination requirement.

Mr. LA FOLLETTE. Yes; but it was very manifest from the language of the section, of those first three lines, that the pur-

pose of the exception, as doubtless intended by the House, would not be effectuated by the adoption of that language.

Mr. GALLINGER. Mr. President—

Mr. BAILEY. Will the Senator from New Hampshire yield to me?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. I yield to the Senator from Texas.

Mr. BAILEY. Mr. President, I simply want to say to the Senator from New Hampshire that if the civil-service regulations and system are to be preserved, it is useless to resist their application to even unskilled laborers. It will finally be made to cover everybody except Representatives and Senators. Congress will never apply it to those, because not one in ten of them can stand the civil-service examination. [Laughter.]

Mr. GALLINGER. I will agree with the Senator from Texas that not one in ten of them could make 25 per cent in such an examination. I have no idea they could do so.

Mr. BAILEY. And yet we practice before the country the absurdity of saying that these men are qualified to make the laws under which the people live and yet would not be qualified for a clerkship in the Treasury Department. There was never a grosser absurdity.

Mr. GALLINGER. I was about to say, Mr. President, that in my opinion civil service has run mad in this country—literally run mad; and when we come to a point where we are asking a great commission to examine charwomen as to the question of whether or not they can scrub floors and perform the other duties required of charwomen, and messenger boys as to whether or not they can carry messages or do that kind of work, it is an absurdity that no language of mine can properly characterize.

Now, let us look at this matter of the Civil Service Commission. They are loaded down with work. It is being piled on them day by day. By a recent executive order the fourth-class postmasters in a considerable portion of the country have been placed under their jurisdiction.

I had occasion to call upon the Civil Service Commission a while ago with a request that they should inform me what the rating was of a certain young man in my State who had taken an examination eight months before for the position of postal clerk. I was informed by that commission that they had not yet reached the papers for examination and could not tell me when they would be reached, but that as soon as they were reached and the rating ascertained I would have the necessary information conveyed to me.

Mr. SMITH of Michigan. Perhaps during that time he might have passed the age of eligibility.

Mr. GALLINGER. The Senator from Michigan suggests that during that time he might have passed the age of eligibility, which is true. But whether or not that is so, it is manifestly absurd that a young man who took an examination before any board or commission for a position in the government service should not be able to ascertain for approximately a year whether or not he had passed the examination.

I have heretofore put myself on record against certain phases of this system, and I am unwilling that the Senator from Texas [Mr. BAILEY] should to-day read me out of the list to which he considers he belongs.

The civil service of the Government is full of very serious faults. It would be interesting, if it could be ascertained, to learn the proportion of young men and young women who have taken examinations who have secured positions under the Government. I believe it to be a fact that the young men and the young women who leave their homes and go to the capitals of the several States, or elsewhere, to be examined probably spend on an average \$10 each. Out of the number who take that examination a small proportion pass. The proportion who do pass are certified to the Civil Service Commission; they are placed upon the eligible list, and a very small proportion of those who are certified ever get an appointment. The money loss which comes to the young people of this country from that system would aggregate an amount that would be startling if it could be ascertained.

There is another fact. As a rule, after a young man has taken a civil-service examination and has reason to believe he has passed, he is not worth much to himself or anybody else, so far as employment is concerned, while he is waiting to get a government job. It is not universal, but it is true, as a rule. If he passes and is certified, then he indulges the belief that he will get an appointment, but in that he is frequently disappointed.

Mr. President, if we are to continue this system, it seems to me that it is an absurdity to submit messenger boys and charwomen to examination, loading down the commission with more work. They are to pass upon the question of whether a woman is capable of sweeping an office or scrubbing a floor; whether a messenger boy is capable of riding a bicycle or running an errand. I hope that the proposed amendment of the committee striking out those words will not prevail. Let us confine this bill, so far as examinations are concerned, to the clerical force. That is bad enough in itself. The young men who graduate from our colleges and our high schools can pass the examination, but young men who have infinitely more sense than they have and infinitely greater ability and experience to discharge the duties incumbent upon them in those positions are barred out.

Has it ever occurred to the Senate that all the business of this great country of ours, except the government business, is done outside of civil service? The government business is but a small fraction of the business that is done in this country, and yet no man at the head of a great corporation finds it necessary to appoint a commission to examine the men who are going to do the work in his great establishment. It is insisted, however, that any man who utters a word against the system that is in vogue so far as the government work is concerned is an enemy to good government, that he is a spoilsman, and that he wants to rob the Government and the people of something that properly belongs to them. For me, I am tired of that kind of talk.

I am not going to say that we ought not to have this examination so far as the clerical force is concerned, for we have in a way committed ourselves to that; but I do insist that we bring the matter into disrepute and make it a laughing stock to men who stop to think along practical lines when we ask that messenger boys and charwomen and employees of that class shall be subjected to an examination by a great commission; that they shall wait to hear from that commission until such time as it serves their purpose to give them an answer; that they shall go on an eligible list from which they may never be designated; and that the money of the Government shall be spent in that way.

Mr. SCOTT. Before the Senator takes his seat will he allow me to ask him a question?

Mr. GALLINGER. Certainly.

Mr. SCOTT. Would it not be a greater expense to the Government to examine those messenger boys and charwomen than to pay those poor people their salaries for the short time they will be employed?

Mr. GALLINGER. Likely that is so. At any rate, whether that is so or not, I will repeat that I shall esteem it a great pleasure to vote against the proposed amendment, and I hope a majority of the Senate will vote against it.

Mr. CLAY. Will the Senator from New Hampshire permit me to ask him a question?

Mr. GALLINGER. Certainly.

Mr. CLAY. I think the Senator is correct in what he has stated; I agree with his position; but suppose we except these messengers, assistant messenger boys, and charwomen; is it not true that under the civil-service law now in force the Census Office will be required to select these very employees from a list furnished by the Civil Service Commission? I have been informed that the head of the Civil Service Commission, Mr. Black, stated before the Census Committee that if the Director of the Census was not instructed to have this examination, then he would feel that he was directed by law to see that these employees had stood the examination under the general civil-service law. And if that be so, would the making of this exception be of any service at all?

I agree with the Senator; I think it is absolutely useless to have such examinations; but if we leave it out and have to go back to the general law, then we will accomplish no good whatever, if the premises be true.

Mr. GALLINGER. It occurs to me that if we specifically except them, the Civil Service Commission will be estopped from enforcing the examination.

Mr. CLAY. I am not a member of the Census Committee, but I have been informed that the chairman of the commission—I do not know how true it is; the chairman can speak for himself—said to the committee that every one of these employees—messenger boys and charwomen—will have to be selected from a list furnished by the Civil Service Commission, even if an exception is made.

Mr. BAILEY. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. Certainly.

Mr. BAILEY. Irrespective of the contention of the Civil Service Commission, I am rather inclined to think that as a

matter of legal construction he is right about it. Will the Senator from New Hampshire give his attention for a moment to the language?

That the additional clerks—

We will read it as it passed the House.

That the additional clerks and other employees, except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen provided for in section 6 shall be subject to such special test examination, etc.

The effect of that language is to except messenger boys and charwomen from the special test provided for by this law; and the view of the chairman of the Civil Service Commission is that by excepting them from the operation of this law we simply throw them back under the operation of the general law, although I think it is perfectly obvious that the purpose of the House was not to subject these charwomen and messengers to a still wider examination than it was subjecting the employees provided for in this bill. But the effect of it—under a Civil Service Commission that wants more power, and so far as my experience goes all commissions want to extend their power—might be to embarrass.

Mr. GALLINGER. Mr. President, that puts a different phase upon the situation, I confess.

Mr. CARTER. I will state to the Senator from New Hampshire that the language referred to was stricken out on my motion and for the reasons pointed out by the Senator from Texas. I think it is obvious upon close examination of the language that if these persons are excepted from the special examination they must inevitably be subjected to the general examination provided by the Civil Service Commission. The amendment was not perfected so as to carry forward through the bill the view that it was believed the House took, but the language was stricken out, at least as far as my intention extended, for the purpose of throwing the matter into conference, and for no other purpose.

Mr. GALLINGER. Mr. President, my purpose has been served, whether one construction or another is placed upon this language. My purpose has been served by saying upon my responsibility as a Senator that I think it is an absolute absurdity to waste the money of the people of the United States in placing under a great commission these inconsequential places for which, in the very nature of things, the qualifications can be ascertained by the head of a department or a bureau quite as well, if not better, than they can be determined by any examination that a commission can institute.

I do not believe in some matters that the Civil Service Commission are in the habit of insisting upon. I doubt very much whether even an executive order has placed under that commission the charwomen and the messenger boys who are in the several departments of the Government. I do not recall any such order; but if they have reached out and taken in those people, I suppose we have to submit to it and do the best we can under existing conditions.

But I wish to put myself on record as looking upon it as an unnecessary and an injudicious thing for the Civil Service Commission to do, and I believe we would have better service if the head of a department or a bureau was permitted to appoint such minor employees, dismiss them if they did not do their duty faithfully, and employ somebody else, just as business men do all over this country. The truth is, Mr. President, under existing conditions we can not get rid of an official of the Government who is there under civil service. Our departments are crowded with men and women who are of very little service to the Government, but no head of a department will dismiss them, and they will remain there, I suppose, until death calls them from their scene of action. We are building up a system of life tenure in the government service.

Two or three years ago I was in one of the departments, when my attention was called by the head of the department to a clerk who was absolutely doing no service for the Government, and the head of the department said to me: "There are 50 clerks in this department with respect to whom the Government would be better off if they remained at home and came in twice a month to draw their salaries." He said, "They are of no earthly consequence." I said, "Why do you not get rid of them?" He said, "Oh, we can not dismiss them."

Mr. DOLLIVER. I am interested in what the Senator says, because in one department of the Government an old friend of mine has been dismissed, or ordered dismissed, solely on the ground of old age, and what may be a helpless effort is being made to do what the Senator says prevailed in the case he cited.

Mr. GALLINGER. I stated precisely what occurred. Another matter occurred. I went to a great bureau of the Government to transact some business. A clerk came in, almost

unable to walk. He dropped into a chair, and the man in charge of the bureau said to me, "Do you see that clerk?" I said, "Yes." "Well," he said, "two years ago you reported a bill increasing that man's pension from \$30 to \$60 a month; and if you will refer to the report you will see that you stated in your report that he was so incapacitated that he had to leave the public service. But he is drawing the increased pension and is still here drawing \$1,800 a year." I said, "Why do you not dismiss him?" He said, "Oh, we can not do that; we can not dismiss any of these employees." I do not know where the real remedy is, Mr. President. It has been suggested that we ought to have a civil-pension roll, and I presume it will come to that after a while. But I have every reason to believe, and I get it from men who know the facts, that our departments are crowded with inefficient clerks, largely due to the fetish of civil service.

We talk about reducing government expenditures. In that connection I think it would be a good plan for some commission or committee to take up the question as to the clerical force of the Government, with a view of ascertaining whether or not we are getting efficient service.

Now, we are going to put two or three thousand clerks on temporary work in the Census Office. The bill, as it came from the House, provides that when that work is over, they shall be dismissed. They will not be dismissed; certainly not all of them. I apprehend a very small proportion will be dismissed. Every clerk who is under the civil service will immediately clamor to be placed in some one of the departments of the Government or be transferred.

Mr. LA FOLLETTE. If the Senator will permit me, the bill expressly provides that they shall not be subject to transfer.

Mr. GALLINGER. I understand; but notwithstanding that you will find a very considerable part of them continued, in some way or other, in the government service.

Mr. LA FOLLETTE. The Senator understands that they do not take the general civil-service examination, and are not within the classified service. There is a special examination provided for by this bill—a special test.

Mr. GALLINGER. The examination is made by the Civil Service Commission.

Mr. LA FOLLETTE. The bill provides that the Director of the Census is to prescribe the examination.

Mr. GALLINGER. Yes. The denatured-alcohol people were appointed for temporary work, but they are all in the departments now—every one of them.

Mr. SMITH of Michigan. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan.

Mr. GALLINGER. Certainly.

Mr. SMITH of Michigan. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] referred to a case that had come under his special knowledge where an applicant had waited eight or nine months for a rating and the papers had not even been taken up for consideration by the Civil Service Commission. I desire to point out for the information of the Senator the fact that the highways to Washington are literally crowded with applicants for places under the civil service. One hundred and sixty-seven thousand persons were examined during the year ended June 30, 1908, for positions in the public service. Ninety-two thousand nine hundred and twenty passed the required test, and 39,003 were appointed. The young men of this country are being lured from other walks of life, where they might help themselves and their families, by a false hope.

Mr. SCOTT. What does the commission cost?

Mr. SMITH of Michigan. Two hundred million dollars a year is spent in the executive civil service. I do not know what the commission costs. The salaries of the executive civil service amount to \$200,000,000 a year. Merit must be the basis of public employment; but it should rest on merit, and not on favoritism or caprice of a petty chief. If I do not interrupt the Senator from New Hampshire, I wish to give my opinion, for whatever it may be worth, from fourteen years' observation, that the meanest, most contemptible, and petty politics in the United States are now carried on under the holy cloak of civil-service reform. Every department of this Government is so honeycombed with little department cliques that merit is no longer the basis of promotion, but abject subservience and toadyism is a sure passport to favor.

I desire to give it as my opinion that few men or women can get a promotion in the civil service, as now administered, unless he or she will bow low or cringe and kowtow to some little petty chief who shields himself behind the civil-service law. Get promotions on merit! I deny that merit rules in the civil service of our Government. The spoils system of Andrew Jackson had at least one merit—if the people did not like it they

could change the system by changing the representation; even Jackson did not enthrone a petty chief, with no obligations to party, State, or country, many of whom do not now vote and have no interest in the Government they serve.

Cabinet ministers do not manage their departments, willing and able as they may be; the departments manage the cabinet minister and lead him blindly through a maze of departmental politics, as mystifying as it is vicious and shocking to behold.

I know of cases where clerks have been slapped in the face and women humiliated in the presence of these petty autocrats, without reproof, where privilege and promotion go hand in hand.

Mr. President, in the interest of the dignity of the public service, in the interest of fairness to the thousands of men and women who have given the best years of their life to the Government, this system of tyrannical favoritism should cease, and if we are to have a merit system let it be fair and just to all sections and all people, otherwise I shall never vote to clothe these people with further authority.

My interest in this matter is not because I desire these places for my constituents; they are occupied in their own private pursuits. I have never been in the habit of seeking public patronage, but, mindful of the commission I bear and the responsibility I owe to the people of my State, I feel it necessary to call attention to this growing evil in our public service.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. The Senator from New Hampshire has the floor. Does he yield to the Senator from Nevada?

Mr. GALLINGER. I will yield in a moment, if the Senator from Nevada pleases.

Mr. President, the Senator from Michigan has called attention to a matter that I alluded to a little while ago without having the figures before me. He showed that during the past year 167,391 persons were examined and 39,003 were appointed, which leaves 128,000 young men and women who left home and traveled to the capitals of the several States, underwent the civil-service examination without result; and, as I said a while ago, it cost them an average of \$10 apiece. I know some instances where it cost \$15. They have to lose time, stay over night, and pay railroad fare. More than a million dollars was squandered by those young people in attempting to get places in the civil service of the Government. It is a very serious question, Mr. President, and I wish that some scheme might be devised that would mitigate the evil.

One other matter. Under the civil-service law there is a fiction that there shall be an equitable distribution among the States, according to population. It is a fiction; a pure fiction. If you would investigate the matter, you would find that some States have three or four times as many as they are entitled to and other States have not half as many as they are entitled to.

Mr. BACON. If the Senator will permit me, I should like to make a suggestion at this point.

Mr. GALLINGER. Yes.

Mr. BACON. It is even worse than the Senator now states. Upon investigation it will be found that there are clerks in some of the departments—unless they have since died; certainly it was so not very many years ago—whose appointments are attributed to certain States, when those appointees never saw those States; they have been appointed from other States and credited to certain States where they had never been.

Mr. GALLINGER. Oh, yes. New Hampshire has suffered in that way.

Mr. KEAN. So has New Jersey.

Mr. GALLINGER. We have institutions of learning in our State that attract boys from other States. Some boys from the West, and possibly from the South—about that I do not know—have qualified themselves by going to Phillips Exeter Academy and have received appointments which were charged up to New Hampshire, they claiming they once lived in New Hampshire.

But I have a greater grievance than that, so far as my State is concerned. Some years ago a young lady from New Hampshire took the civil-service examination. She made an average of considerably over 90. She had been a school-teacher.

She was a splendid girl—strong, able, intellectual. Her name went on the eligible list. She waited a year and was informed they would have to drop her name because the quota of New Hampshire was full. She took another examination, and again passed at an equally high average. She waited another year, and was dropped. She took a third examination, passed again, waited another year and was dropped.

I thought I would like to ascertain whether or not the quota of New Hampshire was really full, as was claimed. I introduced a resolution in the Senate, which was passed, calling upon the Civil Service Commission to report to the Senate the names of the employees in the civil service charged to the State.

In due time a list came in, and out of that list 45 per cent were not in the service at all. The clerk to my committee, who had formerly been in the classified service, but who had been my committee clerk for several years, was on the list. A gentleman practicing law in New Hampshire, formerly a clerk in the service, but who had been practicing law in the State for nine years, was also on the list. Several were dead. Forty-five per cent of the list returned were not in the service at all.

I sent my clerk to the Civil Service Commission to ask why it was that they returned a list of that kind, and he was told that they kept a record when clerks entered the service. What became of them afterwards was a matter of no concern, apparently, to the commission.

New Hampshire is to-day laboring under the handicap that her quota is full. I presume they continue to count the people who entered the service from 1883 to the present time. Notwithstanding it is claimed that our quota is full, they continue to hold examinations, thus adding to the eligible list names of persons who never can be appointed. What a farce that is!

Mr. President, the Senator from Montana [Mr. CARTER] suggests that the amendment to which I object has been stricken out, so that the conferees may consider the matter, inasmuch as it does not accomplish the result that was manifestly intended by the House. If that be so, I am quite content to have the amendment agreed to, with the expressed hope that the conferees on the part of the Senate will insist that if there is any way to exempt messenger boys and charwomen from the operation of the civil-service law that it will be done.

Mr. BACON. Before the Senator from New Hampshire takes his seat, in connection with the suggestion just made I suggest that the difficulty can be cured in this way: If the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen" are left in—in other words, not stricken out, as proposed by the amendment of the committee—and then in line 19 make another proviso, to put the matter beyond doubt.

Before we get to the second proviso, I will state that this amendment is based upon the recognition of the fact that with the language as it would then appear the general law would apply, and the amendment which I now suggest is to take it out from that dilemma. Add these words as a second proviso, there being now one proviso in the bill:

Provided further, That messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen shall be appointed by the Director of the Census without an examination under either this act or under the general civil-service law.

That certainly will put it beyond the possibility of any doubt.

Mr. CARTER. Mr. President, this regular and unvarying assault on the civil service comes in the absence of the senior Senator from Massachusetts [Mr. LODGE] just as well as when he is present. In his absence I feel called upon to make an observation with reference to the discussion that has proceeded on this subject this afternoon.

In the twenty years I have observed legislative proceedings I have been a witness to these assaults and counter assaults, with the civil service as the battleground all the time. It is undoubtedly true that on both sides of this long controverted question little progress has been made because terms of acrimony have generally been employed. In the veto message which came to the Senate on the bill we now propose to pass in another form, the intention of Congress was, I think, unhappily denominated a design by "plunder-seeking politicians" or some such euphonious term.

The idea prevails throughout the ranks of the ardent advocates of civil service—and they are not inclined to conceal their thought—that all persons who suggest amendment of law or improvement of method are per se spoliemen seeking a part in the distribution of public places. On the other hand, in both Houses of Congress, it has become common in every session when any opportunity to discuss the subject arises to engage in terms of denunciation and to hold up to ridicule the little peculiarities of a complex system which may be ridiculed when standing out singly or alone.

Now, as between these two unfair methods of discussion there is a common ground upon which all are agreed, and I think the Senator from Michigan may be included in the term "all," as I use it. I venture to say that there is not a Senator on this floor this afternoon who would, if he could, dismiss the army of employees in the executive departments of the Government to-night to the end that he might to-morrow participate in selecting their successors. The task would be intolerable. No Senator or Representative at all conversant with the burden it would impose would for a moment advocate the radical change.

The civil service provides, according to the law—the practice may be different—that there shall be a fair apportionment in the selection of public servants through all the States and congressional districts of the country. Is that unfair to any section? Not at all. It simply allows all sections, howsoever remote from the seat of government, a fair participation in the laudable work of performing a part of the public service.

I do not blame the boys and girls and women and the old men who seek to enter the public service, and I sympathize with them when they are disappointed in their aspirations. I am sorry that 165,000 took the examination in a year, with only 9,000 or thereabouts successful.

Mr. GALLINGER. Thirty-nine thousand.

Mr. CARTER. Thirty-nine thousand. Well, Mr. President, if 39,000 succeeded out of 165,000, that is a much better proportion of successful achievement than occurs with Senatorial candidates throughout the United States. [Laughter.] It is infinitely better than occurs in proportion to the number of candidates for the House of Representatives. I think the civil service, under the figures given, evolves a fairly just result and is encouraging to those who seek to enter the service.

I believe, Mr. President, that the civil-service method of selection may be perfected. I think its machinery may be defective. At the same time I as firmly believe that the system is not only inherently right but is indispensable to good administration in the clerical work of conducting the Federal Government.

Mr. CLAPP. Will the Senator pardon a question?

Mr. CARTER. I am glad to yield. No pardon is necessary.

Mr. CLAPP. I perhaps agree with the Senator that the system of selection might be perfected. I wish to ask the Senator if he believes it is possible for human ingenuity to develop a proper system covering the so-called "promotions" that will relieve matters the Senator from Michigan suggested but could not perhaps in public debate?

Mr. CARTER. Mr. President, in working out the various justice of each case there will always be some failure as long as human nature remains as it is and human methods remain imperfect. I have no doubt that there are cases of gross injustice in the matter of promotion. But let me ask, Mr. President, if you can eliminate that element of injustice by changing the method of selection from one of competition to one of continual exercise of outside influence? You can not get rid of that feature of injustice by changing the method of selection. You must change some of the elements of our human nature, and you must perfect methods in the departments whereby those who are entitled to promotion will secure it upon their record.

Many years ago I happened to be for a time in charge of one of the bureaus here as Commissioner of the General Land Office. There were six or seven hundred clerks employed down there. Occasionally one of them would become ill, and about the first notice I would receive of the illness of the clerk would come from some one who appeared upon the scene and bowed pleasantly and said, "Good morning," and then announced that Mr. Jones was sick; that he hoped nothing would happen to Mr. Jones, but "if he should die I would like to get his place." That was a common occurrence.

The system was changed somewhat. A method of marking performance in that department was adopted. The record of each clerk's daily work was kept and entered in a book at the close of each day, and when a clerk came forward seeking promotion that record bore its mute testimony as to whether the promotion was due that clerk or not.

Mr. SCOTT. Will the Senator allow me? Has the Senator the slightest idea that that marking is correct, that it is done honestly, and that justice is done to the best clerk? If he is, I am sure he had better make a further examination.

While I am on my feet let me ask the Senator if he believes it was the intention of this Government, when we had a little falling out with Great Britain in the latter part of the eighteenth century, that we were going to create a life office-holding class of people in this country? Was not that a part of the complaint that brought on the rebellion against the mother country? We have reached a point when the head of a department will not dismiss an old clerk because of sympathy, and yet we know that he is not worth anything. They know that they are held in those positions by the act of the Civil Service Commission, and they will not perform half the labor of a clerk who knows he can be dismissed if he does not do his work.

Mr. CARTER. Mr. President, there are undoubtedly hundreds of very pathetic cases in the various departments. Persons who have grown old in the public service, have ceased relations with all business affairs on the outside, and are unable to engage in any new occupation to make a living.

But, Mr. President, will that situation be changed or cured if the clerks are held in place by the binding power of political influence exercised from day to day? Do you suppose that the Senator from West Virginia, virile, strong, and persistent as he is, would suffer a man from West Virginia to be discharged because of age or ill health or incapacity to keep up the standard?

Mr. SCOTT. No.

Mr. CARTER. No; not so, Mr. President. He would be right at the bat from morning until night, and would make it so hot for the fellow who discharged him that he would be glad to compromise by keeping him until the funeral occurred.

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. CARTER. Certainly.

Mr. SCOTT. I wish to say for the information of my friend from Montana that in the position of Commissioner of Internal Revenue, I was directed by the Secretary of the Treasury at that time to dismiss a number of old clerks, both male and female, who had passed the age of 75. Now, remember that age. I refused to do it. Why? They were not from my State; but probably some of them were from the Senator's State of Montana. They had been here a long time and possibly could not get home.

But I want to say that that is the great trouble. These heads of departments know that they have incompetent clerks. They know that they have men and women who are not physically able to do a clerk's duty and work; yet they will not dismiss them. The Senator knows that to be true.

Mr. CARTER. I know it; it is unquestionable; and my dread is that that state of affairs is destined to lead to a retiring pension or reduced pay after a certain period of time. If we do reach that period when we will have retirement pay or pension, this Government will be burdened as no one in years gone by anticipated it ever would be burdened by any class of people. The pension roll for the civil list would grow into stupendous proportions compared with the pension roll for old veterans of the wars.

I do not know what the solution of that perplexing proposition may be, but I do know that it does not rest in discarding selection by merit and changing to selection by whim or the recommendation of interested parties. I grant that there are in the civil-service list persons who have passed high lacking in judgment, lacking in discretion, lacking in many of the qualities that go to make up an excellent clerk or division chief.

But, Mr. President, admitting that, how can we improve it by changing it? Will we do better by making the lack of merit the test, or applying no test at all? I care not who makes the selection, whether by certification of the Civil Service Commission or on the recommendation of a Senator or Representative, the selection must be preceded by some kind of a test. I should have that test so impersonal and so uniform that the boy from the country, without a friend within a thousand miles to speak for him, would have just as good a chance as the man backed by the President of the United States.

Mr. GALLINGER. Mr. President—

Mr. CARTER. I believe in a merit system, Mr. President, but, at the same time, I will say to the Senator from New Hampshire that I am not to be taken in saying that as approving the methods or the law of the civil service, as now existing, as entirely perfect or unobjectionable.

Mr. GALLINGER. Mr. President, I rose simply to say to the Senator that he will never be able to reach that equality of opportunity to the boy in the country and the President of the United States, because under this most remarkable law of ours the President of the United States can put anybody into the civil service without an examination; and it has been done in a great many cases.

Mr. CARTER. I think it has been done in many cases that were entirely meritorious, and then I find at times that that privilege of the President was abused to some extent.

Mr. SCOTT. Will the Senator allow me just to supplement his remark? I can testify that the President, who vetoed our bill because it was too liberal, had appointed in the Department of Commerce and Labor a gentleman simply because he sent him a copy of a resolution that was passed, eulogizing him, and saying he was out of employment. The President ordered him to Washington, and he was put to work at \$4 a day, and is now getting \$7 a day; and I am glad of it, for he is a good fellow.

Mr. CARTER. The writing of that resolution and the manifestation of genius necessary to carry it through, and, further, his judgment in bringing it down to Washington indicated a high order of intelligence which entitled him to go through without any special examination. [Laughter.]

Mr. President, I think we would make more progress upon this civil-service question if we addressed ourselves to the perfection of the law, to the elimination of the absurdities by mandate of law, and that the examinations should be continued along more rational and less technical and trifling lines. I have read many of the lists of questions propounded by the Civil Service Commission, and I have often felt that they were drawn out to ridiculous and absurd degrees; that questions were propounded to skilled laborers that might better be addressed to skilled civil engineers. But that is not the fault of the principle under which they operate. It is the abuse of the system which leads to that. The merit system is inherently and eternally right in so far as clerical positions in the public service are concerned.

Mr. President, it may be made ridiculous by the manner in which the merit system is carried into effect. I hope that all Senators here will join me in perfecting the system, and let us put it upon a basis by common consent which will relieve it from ridicule and absurd connections.

Mr. KEAN. Does the Senator from Wisconsin desire to finish the bill to-night?

Mr. LA FOLLETTE. I do not believe that it will be possible to finish the consideration of the bill to-night. I wish to ask unanimous consent, if that is necessary, to have the bill reprinted as amended, in order that we may have a clean copy to work with to-morrow.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin? No objection is heard, and it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 10, 1909, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 9, 1909.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants, with rank from April 7, 1909.

Laurence Tidd Walker, of Massachusetts;
Samuel Harrison Tilghman, of Maryland;
Otto Harry Schrader, of Illinois;
William James Turkenton, of the District of Columbia;
Creedy Collins Sheppard, of West Virginia;
Howard T. Clark, of Connecticut;
Halstead Powell Councilman, of Minnesota;
Arthur Haldane Doig, of California;
Robert Elton Guthrie, of Nebraska;
George Elmer Nikirk, of Iowa;
William Robert Nichols, of Virginia;
Paul Henry Herman, of Maryland;
Oscar Czar Warner, of New York;
Frank Sheldon Clark, of Vermont;
Kelley Benjamin Lemmon, of Michigan;
William Skinner Fulton, of Louisiana;
Thomas Ogden Humphreys, of the District of Columbia;
Edwin Francis Barlow, of Tennessee;
Donald MacQueen Ashbridge, of Pennsylvania;
Hollis Le Roy Muller, of Vermont; and
Eli Elmer Bennett, of Maryland.

POSTMASTERS.

ALABAMA.

Henry R. Jordan to be postmaster at Collinsville, Ala. Office became presidential January 1, 1909.

COLORADO.

William F. Ordway to be postmaster at Dolores, Colo. Office became presidential April 1, 1909.

Nellie R. Summers to be postmaster at Gunnison, Colo., in place of Nellie R. Summers. Incumbent's commission expired March 1, 1909.

CONNECTICUT.

Arthur B. Calef to be postmaster at Middletown, Conn., in place of George I. Allen. Incumbent's commission expired June 24, 1906.

FLORIDA.

Homer B. Rainey to be postmaster at Wauchula, Fla., in place of Francis B. Rainey, resigned.

GEORGIA.

P. Brooks Ford to be postmaster at Sylvester, Ga., in place of Mary C. McWhorter, deceased.

ILLINOIS.

John F. Regan to be postmaster at Mount Sterling, Ill., in place of John F. Regan. Incumbent's commission expired November 17, 1907.

INDIANA.

Henry F. Radcliff to be postmaster at Pierceton, Ind., in place of Henry F. Radcliff. Incumbent's commission expired April 28, 1908.

IDAHO.

Alson H. Nihart to be postmaster at Buhl, Idaho. Office became presidential January 1, 1909.

KANSAS.

Nereus H. Mendenhall to be postmaster at Haviland, Kans. Office became presidential April 1, 1909.

LOUISIANA.

W. J. Behan to be postmaster at New Orleans, La., in place of Thomas J. Woodward. Incumbent's commission expired February 9, 1909.

Margarette L. Tatum to be postmaster at Gibsland, La. Office became presidential October 1, 1908.

MAINE.

Harlan P. Dennison to be postmaster at West Bethel, Me. Office became presidential April 1, 1909.

MICHIGAN.

Ora P. Gordon to be postmaster at Hopkins, Mich. Office became presidential January 1, 1909.

MONTANA.

George A. Tusler to be postmaster at Terry, Mont. Office became presidential April 1, 1909.

MISSOURI.

Andrew S. Munro to be postmaster at Cuba, Mo., in place of Edward D. Lowe. Incumbent's commission expired December 16, 1908.

NEW JERSEY.

Elbert Bradshaw to be postmaster at Greenloch, N. J. Office became presidential April 1, 1909.

William H. Kuhlthau to be postmaster at Milltown, N. J., in place of William H. Kuhlthau. Incumbent's commission expired January 9, 1909.

NEW MEXICO.

Leroy P. Loomis to be postmaster at Texico, N. Mex., in place of Albert S. Breeding, resigned.

NORTH DAKOTA.

William Berry to be postmaster at Page, N. Dak. Office became presidential October 1, 1908.

Mary C. Dwyer to be postmaster at Medina, N. Dak. Office became presidential July 1, 1908.

Emil O. Ellison to be postmaster at La Moure, N. Dak., in place of Emil O. Ellison. Incumbent's commission expired February 18, 1908.

H. A. Mayo to be postmaster at Walhalla, N. Dak., in place of Charles H. Lee. Incumbent's commission expired January 9, 1909.

Dolphy O. Ostby to be postmaster at Sheyenne, N. Dak. Office became presidential January 1, 1909.

Edward T. Pierson to be postmaster at Granville, N. Dak., in place of Edward T. Pierson. Incumbent's commission expired November 19, 1907.

J. W. Pratten to be postmaster at Milton, N. Dak., in place of Joseph Powles. Incumbent's commission expired January 11, 1908.

OREGON.

Anna G. Baskett to be postmaster at Freewater, Oreg., in place of Jesse N. Baskett, deceased.

C. B. Wilson to be postmaster at Newberg, Oreg., in place of Julius C. Hodson. Incumbent's commission expired March 18, 1909.

PENNSYLVANIA.

F. N. Boyle to be postmaster at Nicholson, Pa., in place of Fred M. Williams. Incumbent's commission expired January 14, 1909.

Arthur W. Briggs to be postmaster at Shinglehouse, Pa., in place of Scott Bancroft. Incumbent's commission expired January 21, 1909.

William F. Eckbert, jr., to be postmaster at Lewistown, Pa., in place of William F. Eckbert, jr. Incumbent's commission expired February 10, 1909.

Frank W. Leib to be postmaster at Pottsville, Pa., in place of Gustavus C. Schrink. Incumbent's commission expired January 7, 1908.

John C. Tullock to be postmaster at Moores, Pa. Office became presidential April 1, 1909.

SOUTH DAKOTA.

Charles N. Curtiss to be postmaster at Wessington, S. Dak. Office became presidential October 1, 1907.

Theophilus N. Kirkpatrick to be postmaster at Letcher, S. Dak. Office became presidential January 1, 1909.

A. W. Prewitt to be postmaster at Philip, S. Dak. Office became presidential October 1, 1908.

TEXAS.

Irvin W. Baker to be postmaster at Lorraine, Tex. Office became presidential January 1, 1909.

Theophilus F. Berner to be postmaster at Henrietta, Tex., in place of Theophilus F. Berner. Incumbent's commission expired January 10, 1909.

Henry L. Sands to be postmaster at Alvord, Tex., in place of Henry L. Sands. Incumbent's commission expired February 9, 1909.

J. J. Staskey to be postmaster at Bremond, Tex. Office became presidential April 1, 1909.

Lottie E. Turney to be postmaster at Smithville, Tex., in place of Kittie L. Edwards. Incumbent's commission expired January 10, 1909.

W. F. Viereck to be postmaster at Sealy, Tex., in place of Clara I. Lockwood, resigned.

WASHINGTON.

Velosco J. Knapp to be postmaster at Anacortes, Wash., in place of Velosco J. Knapp. Incumbent's commission expired February 9, 1909.

Cornelius E. Legg to be postmaster at Chewelah, Wash., in place of Charles F. Legg, deceased.

George D. C. Pruner to be postmaster at Blaine, Wash., in place of George D. C. Pruner. Incumbent's commission expired January 21, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 9, 1909.

INDIAN INSPECTOR.

Z. Lewis Dalby to be an Indian inspector.

CHIEF JUSTICE SUPREME COURT, PORTO RICO.

José Conrado Hernandez to be chief justice of the supreme court of Porto Rico.

ASSOCIATE JUSTICE SUPREME COURT, PORTO RICO.

Emilio del Toro y Cuevas to be associate justice of the supreme court of Porto Rico.

REGISTER OF THE LAND OFFICE.

Jose Gonzales to be register of the land office at Las Cruces, N. Mex.

POSTMASTERS.

CONNECTICUT.

Arthur B. Calef, at Middletown, Conn.

GEORGIA.

James F. Dever, at Rockmart, Ga.

LOUISIANA.

Edson E. Burnham, at Amite, La.

Charles W. Lyman, at Rayne, La.

NEW JERSEY.

Frank Hill, at Dumont, N. J.

PENNSYLVANIA.

John P. Thomas, at Taylor, Pa.

SOUTH DAKOTA.

Lyman J. Bates, at Lake Preston, S. Dak.

Alexander B. Coutts, at Hudson, S. Dak.

Edward O. Bromwell, at Mount Vernon, S. Dak.

Frank E. Brown, at Iroquois, S. Dak.

Allie Lee, at Ashton, S. Dak.

Joshua F. Wood, at Doland, S. Dak.

TEXAS.

Maurice C. Kelly, at Lockhart, Tex.

William L. Yanger, at Iowa Park, Tex.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 9, 1909.

Thomas Cader Powell to be United States marshal, Division No. 2, District of Alaska.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 9, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. HARDY. Mr. Speaker, on page 1089 of the Record is shown a colloquy between Mr. CALDERHEAD and myself. When the reporter's notes were handed me I hastily added a few words to what I had said in order to make it clearer without changing its meaning; but my attention is called to the fact that the words added by me seem to make the gentleman from Kansas declare or indorse the idea of a tariff between the States, which in fact he did not, and I did not intend to represent him as doing. The fact was he simply declared that protection applied to all the States, but not between the States. Neither the gentleman from Kansas nor myself wish anything but that a true record be made, having regard to the substance and not the form, and we both wish the Record corrected so that it shall read as follows:

Mr. HARDY. If protection is a righteous proposition, ought it not to prevail in every locality and in favor of every State?

Mr. CALDERHEAD. It does, without question. We make no law and have made none in forty-eight years that we have been responsible—and so forth.

In other words, Mr. Speaker, my interlineation while not changing the meaning did put an erroneous inference upon the statement of the gentleman from Kansas which I did not notice at the time.

The SPEAKER. Both gentlemen concur in the correction of the Record?

Mr. HARDY. We agree.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that under the discretion conferred by Senate concurrent resolution No. 2, Sixty-first Congress, first session, giving authority to the Commissioners of the District of Columbia to use the Rotunda of the Capitol on the occasion of the removal of the remains of Maj. Pierre Charles l'Enfant from Digges farm, Prince George County, Md., to Arlington National Cemetery, under such supervision as may be approved by the President of the Senate and the Speaker of the House of Representatives, the Vice-President had appointed Elliott Woods, Superintendent of the Capitol Building and Grounds, to superintend the ceremonies within the Capitol.

PRESENTING A PETITION.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that I may present in the open House a petition signed, I am informed, by 250,000 citizens of Chicago and its suburbs, protesting against the duties on wearing apparel, particularly leather gloves and cotton hosiery, as reported to the House in the Payne tariff bill.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I would like to ask the gentleman how long it would take?

Mr. FOSS. A few moments.

Mr. PAYNE. Five minutes?

Mr. FOSS. Less than that.

Mr. PAYNE. I do not object to that if the gentleman from Pennsylvania [Mr. MOORE] is given time to make a statement.

Mr. MOORE of Pennsylvania. Mr. Speaker, I shall object unless some time is accorded to me to present statistics on the other side.

Mr. MANN. Mr. Chairman, we have three hours only in which to perfect this bill, and I object.

Mr. FOULKROD. I object, Mr. Speaker.

THE TARIFF.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438, the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

Mr. PAYNE. Mr. Chairman, I offer the following amendment to section 3, which is found printed in the Record this morning at page 1234: Under the paragraph headed "iron ore," I move to